Our naval war with France

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Page 94

THE CONSTELLATION AND INSURGENTE IN ACTION

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OUR NAVAL WAR WITH FRANCE

BY

GARDNER W. ALLEN

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TO
THE MEMORY OF
MY MOTHER

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PREFACE

THE spoliation of American commerce by the French, and the resulting hostilities during the last years of the eighteenth century, form the earliest episode of importance in our history under the Federal Constitution. It is, perhaps, natural that they should have been to a great extent overshadowed by the tremendous convulsions of the French Revolution. Yet these hostilities between the United States and France continued in an acute form nearly three years, and amounted to actual war, although war was declared on neither side. Important frigate actions and very many minor contests furnish some of the most stirring exploits in the early history of the navy.

An examination of manuscript sources and contemporary newspapers has brought to light much material never before utilized. For aid in this search, the writer is indebted to the officials of the Navy Department, the Boston Public Library, and the Massachusetts Historical Society, and to many other persons. He is under especial obligations to Professor Edward Channing of Harvard University, and to Charles W. Stewart, Esq., Superintendent of Library and Naval War Records, Navy Department.

GARDNER W. ALLEN.

BOSTON, March, 1909.

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OUR NAVAL WAR WITH FRANCE

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OUR NAVAL WAR WITH FRANCE

CHAPTER I

EARLY MISUNDERSTANDINGS

THE British colonies of North America having declared their independence and being involved in an unequal struggle with the mother-country, the newborn nation appealed to France for aid at an early period of the contest. The American envoys, Benjamin Franklin, Silas Deane, and Arthur Lee, were happily able to engage the attention of Louis XVI and his ministers. They, however, cautiously held aloof at first, naturally unwilling to support a rebellion while success appeared almost hopeless; but the defeat and capture of Burgoyne's army in 1777 turned the scale in the wavering French councils, and it was decided to espouse the American cause. Accordingly, on the 6th of February, 1778, two treaties between the United States and France were signed at Versailles, — a treaty of amity and commerce and one of alliance.

In their desperate strait the Americans gladly assumed obligations, imposed by these treaties, which in after years proved embarrassing. With-

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out the French alliance and the liberal loans of the king the fortunate outcome of the war must surely have been impossible; and gratitude to France was a universal sentiment in America. Some of the provisions of a consular convention, concluded between the two nations in 1788, also caused complications a few years later.

In his annual address to Congress, December 8, 1790, President Washington called attention to the disturbed situation of Europe and the necessity for circumspection on the part of the United States.[1] Shortly after this, France complained of certain duties imposed by the United States, and this caused discussion as to the interpretation of the treaty of commerce of 1778;[2] but no serious trouble arose between the two countries until after the breaking out of the general European war brought on by the French Revolution.

A strict fulfillment of our treaty obligations would have drawn the United States into this war as an ally of France. The question as to whether the treaties had been terminated by the revolution and change of government in France was discussed in Washington's cabinet, and it was agreed that they had not been. According to the eleventh article of the treaty of alliance the United States guaranteed "to His Most Christian Majesty the present possessions of the Crown of France in America, as

[1] *State Papers*, vol. i, p. 18. See Appendix I for authorities.
[2] *Ibid.* vol. x, pp. 68–77.

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well as those which it may acquire by the future treaty of peace." This referred especially to the French West Indies, and to have complied with the treaty would have involved the United States in the defense of these islands against the attacks of England. In view of the exhausted condition of the country at the time, slowly recovering from the strain of the War for Independence and loaded with debt, to have embarked in another great war would have been suicidal. As a matter of self-preservation it was necessary to maintain strict neutrality. In February, 1793, soon after the execution of Louis XVI, the war in Europe became general, involving besides France the maritime nations of Great Britain, Spain, and Holland.

In order to get the opinions of his cabinet on the situation, the President submitted to the members certain questions, and obtained their unanimous approval of two important measures: that neutrality should be proclaimed, and that the Republic of France should be recognized and a French minister received. April 22, 1793, Washington issued his proclamation, in which it is declared that the United States will "pursue a conduct friendly and impartial toward the belligerent powers," that American citizens engaging in contraband trade will not be protected by the government against punishment or forfeiture, and that the United States will prosecute all persons who violate the law of nations. It was agreed that the word "neutrality"

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should be omitted from the text of the proclamation.[1] Public sentiment in America at this time was strongly in favor of France, and the proclamation was unpopular, although it was approved by both the Senate and House of Representatives at the next session of Congress.[2]

Shortly before this, on April 8, there had arrived at Charleston, South Carolina, the newly appointed French minister to the United States, Citizen Genet. In a letter written after his arrival, to the French minister of foreign affairs, Genet attributes to contrary winds his landing at this point instead of proceeding directly to Philadelphia, the seat of government.[3] Yet the frigate Embuscade in which he came he sent north at once, and she soon arrived at Philadelphia, while he himself made the journey by land, after a halt of two weeks or more in Charleston. During his stay in the south Genet entered upon a course of conduct certain to embarrass the United States, and from this time forth his behavior indicates a misapprehension of the rights and powers of the American executive under the Constitution, as well as of the duties and limitations of his own office. He had brought with him two hundred and fifty blank commissions, and four of these he now issued to privateers, which were rapidly fitted out and

[1] *St. Pap.* vol. i, p. 44; *Washington,* vol. xii, pp. 279–282; *Jefferson,* vol. i, pp. 226, 227, vol. vi, pp. 315, 346.

[2] *St. Pap.* vol. ii, p. 127.

[3] *American Historical Association,* 1903, vol. ii, pp. 211–213; for Genet's instructions from his government, see p. 201.

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manned, partly by Frenchmen and partly by Americans.[1] They were sent to sea and soon began to return with English prizes, some of them captured within the territorial waters of the United States. The British minister complained of these proceedings, and one of the prizes, taken in Delaware Bay by the Embuscade, was afterwards surrendered by Genet.[2]

In a letter to Jefferson, the Secretary of State, dated May 27, after his arrival in Philadelphia, Genet vigorously defended his conduct against the complaints of the British minister. In his reply of June 5, in speaking of the arming of privateers in American ports and the enlisting of American citizens for the French service, Jefferson expressed the opinion of the President "that the arming and equipping vessels in the ports of the United States, to cruise against nations with whom they are at peace, was incompatible with the territorial sovereignty of the United States; . . . that it is the right of every nation to prohibit acts of sovereignty from being exercised by any other within its limits, and the duty of a neutral nation to prohibit such as would injure one of the warring powers; that the granting military commissions, within the United States, by any other authority than their own, is an infringement on their sovereignty, and particularly so when granted to

[1] *Amer. Hist. Assoc.* 1903, vol. ii, pp. 253, 848.

[2] *Ibid.* pp. 196–198; *St. Pap.* vol. i, pp. 69–76, 114–122, 145, 195; *Claims*, p. 379.

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their own citizens, to lead them to commit acts contrary to the duties they owe their own country." About the end of May two American citizens who had enlisted on a French privateer were arrested, and were judged by the attorney-general to be indictable for disturbing the peace of the United States.[1]

Genet was everywhere received with great enthusiasm by the people, and expected the warm support of the government in the cause of France. Consequently the reserve of the administration was disappointing to him. Even Jefferson, who at first regarded him with favor, was soon repelled by his actions. In a letter to Madison, July 7, he says: "Never, in my opinion, was so calamitous an appointment made as that of the present Minister of F. here. Hot headed, all imagination, no judgment, passionate, disrespectful & even indecent towards the P."[2]

In June the sale of prizes brought into Philadelphia by a French vessel was stopped by a United States officer, and another French vessel, which had been fitted out at New York and was on the point of sailing, was detained. These acts aroused a vehement protest from Genet and from the French consuls at Philadelphia and New York. They claimed exclusive jurisdiction in the disposition of prizes, by reason of their consulates having been

[1] *St. Pap.* vol. i, pp. 77–86; *Washington*, vol. xii, p. 317; *Jefferson*, vol. vi, pp. 273–276.

[2] *Jefferson*, vol. vi, pp. 323, 338.

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constituted complete courts of admiralty by the National Convention of France. This assumption of power by the French government was not recognized by the United States, inasmuch as it had been conferred neither by treaty nor by the consular convention of 1788.[1]

Another grievance of Genet's related to the debt of the United States to France, which it had been arranged by convention to pay in installments covering several years. The French government proposed that it should now be paid all at once, the amount to be expended in the United States in the purchase of provisions and naval stores, of which the French were greatly in need. The condition of the national finances at that time, however, was such as to make it impossible for the United States to accept this proposal.[2]

The guarantee by the United States of the French West Indies made no trouble at this time. Jefferson wrote to Madison, June 9: "Genet mentions freely enough in conversation that France does not wish to involve us in the war by our guarantee." In fact the fulfillment of this obligation was never insisted upon by France, perhaps partly from motives of policy, not wishing to be pressed too hard herself on the subject of treaty stipulations, but more likely because it was thought that the Americans would

[1] *St. Pap.* vol. i, pp. 86–100, 144, 145.

[2] *Ibid.* vol. i, pp. 51–67, 100–104; *Amer. Hist. Assoc.* 1903, vol. ii, pp. 256, 282.

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be more useful as neutral carriers of provisions than as belligerent allies unable to keep the sea in the face of England's navy. However, the matter is occasionally mentioned in the correspondence of the time, and assumed importance in the negotiations of 1800.[1]

In spite of the remonstrances of the administration, Genet continued to fit out privateers in American ports. He insisted that the twenty-second article of the treaty of commerce of 1778 expressly conferred the right to arm and fit out vessels of war in our ports and to sell the prizes taken by them, whereas the article simply denied this right to the enemies of either party, leaving open the question as to French and American vessels, for reasons which appeared sufficient at the time. He also claimed that under the seventeenth article[2] the United States had no right to detain vessels believed to have been captured within territorial limits. Genet's conduct at this time brought down upon him a severe reprimand from his own government in a letter, dated July 30, 1793, from the minister of foreign affairs of the French Republic.[3]

Meanwhile the French were not the only offend-

[1] *Jefferson*, vol. i, p. 248, vol. vi, pp. 260, 293, 502; *St. Pap.* vol. i, pp. 162, 421, vol. iii, pp. 82, 462, vol. iv, pp. 28, 97, vol. x, pp. 299–303; *Amer. Hist. Assoc.* 1903, vol. ii, pp. 209, 649, 726, 1064.

[2] See Appendix II for these articles.

[3] *St. Pap.* vol. i, pp. 96, 141, 145; *Amer. Histor. Assoc.* 1903, vol. ii, p. 228.

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ers, as an English privateer fitting out in Georgia was seized under general orders issued by the President, and Genet complained of certain other English vessels of the same class. He also protested against the seizure by the English, on the high seas, of French goods in American vessels, which he called an insult to the American flag. Yet these seizures were made in accordance with international law. In the case of the United States and France free ships made free goods, according to the twenty-third article of the treaty of commerce, but there was no such agreement between the United States and England.[1]

The actions of the French minister and consuls were becoming every day more offensive, and as the United States had no navy it was impossible to check them. In July the British and French ministers were informed by the Secretary of State that the President expected certain vessels of both parties to be held in port until a legal opinion could be obtained on the various points under discussion. Among the French vessels was a prize of the Embuscade, the Little Sarah, which had been fitted out and armed as a privateer at Philadelphia. In spite of the President's request and Genet's verbal assurance to Jefferson, the Little Sarah was allowed to sail on a cruise. At last, on August 7, Jefferson informed the minister in a peremptory letter that all prizes

[1] *St. Pap.* vol. i, pp. 109–114, 124–136; *Amer. Hist. Assoc.* 1903, vol. ii, p. 255.

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taken by French vessels after June 5, when the position of the administration had been defined, must be restored or the French government would be held responsible for the indemnification of the owners.[1]

By this time it had become evident that forbearance could no longer serve any good purpose, and on August 1 a cabinet meeting was held "to consider what was to be done with Mr. Genet," and it was decided that he must go.[2] Accordingly the Secretary of State wrote a long letter, dated August 16, 1793, to Gouverneur Morris, United States minister to France, instructing him to request the recall of Genet. In this letter Jefferson expounds the disputed articles in the treaty of 1778 at great length, and clearly exposes the fallacies of Genet's interpretation of them. He gives an account of the minister's proceedings, and quotes several insulting passages from his letters to the administration. A copy of this letter was sent to Genet, and elicited from him a response, in which he denied the right of the President to request his recall and demanded that all the matters in dispute should be referred to Congress as representing the sovereign people in whom alone authority rested; and he complained that Congress was not called in extraordinary session for this purpose.[3] Congress subsequently pro-

[1] *St. Pap.* vol. i, pp. 123–125, 136; *Washington*, vol. xii, pp. 302, 308–318; *Jefferson*, vol. i, pp. 237–241, vol. vi, pp. 339–345.

[2] *Jefferson*, vol. i, p. 252.

[3] *St. Pap.* vol. i, pp. 137–165.

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hibited all such transactions as those in which Genet was engaged.[1]

The course pursued by Genet and by the French consuls encouraged by him was not interrupted by the stand taken by the administration, and on September 7 the Secretary of State issued a circular letter to the consuls, in which he states that having learned that they were exercising admiralty jurisdiction, trying prizes, and enlisting American citizens to serve against nations at peace with the United States, "I have it in charge, from the President of the United States, to give notice to all consuls and vice-consuls of France in the United States, as I hereby do to you, that if any of them shall commit any of the acts before mentioned, or assume any jurisdiction not expressly given by the convention between France and the United States, the exequatur of the consul so transgressing will be immediately revoked, and his person be submitted to such prosecutions and punishments as the laws may prescribe for the case."[2] A month later the President revoked the exequatur of the French vice-consul at Boston, who had by force of arms seized a vessel and cargo which had been replevied by the United States marshal.[3]

In October Genet reported to his government that since his arrival in America he had fitted out

[1] Act of June 5, 1794, *Statutes at Large*, vol. i, p. 381.

[2] *St. Pap.* vol. i, p. 167; *Claims*, p. 284.

[3] *St. Pap.* vol. i, pp. 179–192; *Amer. Hist. Assoc.* 1903, vol. ii, p. 281; *Jefferson*, vol. vi, p. 401.

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fourteen privateers, mounting one hundred and twenty guns in all, which had taken eighty prizes.[1]

Meanwhile the French minister had entered upon one of the chief objects of his mission, and from this time on was actively engaged in maturing a project which promised yet more trouble for the United States. This was the conquest for France of Florida and Louisiana, at that time dependencies of Spain. Genet organized an expedition in South Carolina and Georgia to be directed against Florida, and another in Kentucky which was to descend the Ohio and Mississippi rivers and attack New Orleans. Jefferson believed that the United States must inevitably become involved in war with Spain.[2]

The request for Genet's recall was complied with by the French government, who sent out in his place the Citizen Fauchet, accompanied by three commissioners who were to act with him and whose concurrence was necessary in all measures. They

[1] *Amer. Hist. Assoc.* 1903, vol. ii, pp. 246, 254.

[2] *St. Pap.* vol. i, pp. 443–453, vol. ii, pp. 35–57, vol. x, pp. 346–349; *Jefferson*, vol. i, pp. 235, 236, vol. vi, p. 316; *Amer. Hist. Assoc.* 1896, vol. i, pp. 930–1107; 1897, pp. 569–679; 1903, vol. ii, pp. 10–12, 199, 205, 219–223, 264–268, 826. An important object of these schemes was to secure a source of food supply for the French West Indies; the acquisition of Canada was also desired. Genet's operations were preceded and followed by years of intrigue on the part of France, England, and Spain for the possession of Louisiana and its extension eastward. See *Amer. Hist. Assoc.* 1903, vol. ii, pp 567, 840, 990, 1015, 1038, 1048, 1075, 1097; also *American Historical Review*, April, 1897, April and July, 1898, January and April, 1905.

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were a consul-general, a consul for the State of Pennsylvania, and a secretary of legation. A decree of the committee of public safety of France, dated October 11, 1793, required the commissioners to disavow Genet's conduct and send him back to France, to disarm the privateers fitted out by him, and to dismiss the consuls concerned in any proceedings compromising American neutrality. The commissioners' instructions repeat the orders of the decree and require them to attempt the negotiation of a new treaty of commerce.[1] This was a measure earnestly desired by the French government, which had also been included in Genet's instructions, had been urged before his time, and continued to be for several years without result.[2]

Owing to delays the commissioners did not arrive in Philadelphia until February, 1794. Genet, therefore, continued to serve until that time, when his schemes relating to Florida and Louisiana fortunately came to an end, and later gave place to peaceful negotiations. The administration was thus saved the serious embarrassment which threatened its relations with Spain. The United States government, however, declined to arrest Genet, when requested by Fauchet to do so, "upon reasons of law and magnanimity."[3] He was allowed to go

[1] *Amer. Hist. Assoc.* 1903, vol. ii, pp. 287–294.

[2] *Ibid.* pp. 9, 108–114, 129, 135, 202, 207, 209, 344, 638, 649, 725, 743; *St. Pap.* vol. i, p. 414, vol. ii, pp. 152–157, 232, 427–433.

[3] *Foreign Relations*, vol. i, p. 709; *Amer. Hist. Assoc.* 1903, vol. ii, pp. 308, 309, 313–316, 345.

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free, and, this being the period of the guillotine's greatest activity, prudently decided not to return to France.

It may be said for Genet that many of his doings were in accordance with his instructions, which, however, were issued before England and Spain had become involved in the war against France and before the American proclamation of neutrality. Moreover, his attempts to carry out his instructions were marked by an entire absence of the circumspection and tact essential in diplomacy, and by a total want of respect for the government to which he was accredited. In the French department of foreign affairs Genet was considered to have had his head turned by the adulation heaped upon him in America by the extreme partisans of France, and was blamed for antagonizing the United States government by persisting in his course against the wishes of the administration.[1] Robespierre is quoted as expressing the opinion that a "man of the name of Genet . . . has made use of the most unaccountable means to irritate the American government against us."[2]

While Genet's republican sentiments are estimable, his sincerity in declaring "that I love passionately my country, that I adore the cause of liberty, that I am always ready to sacrifice my life to it,"[3]

[1] *Amer. Hist. Assoc.* 1903, vol. ii, p. 283.
[2] *Washington*, vol. xii, p. 403.
[3] *St. Pap.* vol. i, p. 162.

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is open to suspicion, from the fact that he never returned to France, even after the perils of the reign of terror were over, but left her to fight her way to liberty without his aid. Having married a daughter of Governor Clinton of New York, he settled in that state, and lived there in peace and quiet during the remainder of his long life.

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CHAPTER II

NEGOTIATIONS

THE administration, while relieved from the embarrassments brought upon it by Genet, was nevertheless for the next four years subjected to the annoyance of incessant complaints on the part of the French department of foreign affairs and its ministers, Fauchet and his successor, Adet. These complaints were made a pretext for hostile acts which bore heavily upon American commerce.

Jefferson, having resigned the office of secretary of state, was succeeded in January, 1794, by Edmund Randolph, and he in turn by Timothy Pickering in December, 1795. Gouverneur Morris, United States minister to France, whose republican principles were not sufficiently radical to suit the French, was recalled in May, 1794, and James Monroe was sent to take his place. Monroe administered American affairs until the arrival in Paris, in December, 1796, of Charles Cotesworth Pinckney, who was sent to relieve him. Fauchet, the French minister to the United States, was succeeded in June, 1795, by Adet, who was recalled in October, 1796, and six months later left the affairs of his nation in the hands of the consul-general, Letombe.

In the mean time our relations with England

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had long been unsatisfactory, as many of the provisions of the treaty of peace of 1783 had not been carried out. Moreover, the European war had subjected American commerce to British as well as to French aggressions. In view of the danger of still further estrangement, it was deemed of vital importance to negotiate a new treaty with Great Britain, and for this purpose John Jay was sent to England in April, 1794. His mission was so far successful that a treaty was concluded November 19, which was finally proclaimed in February, 1796. This treaty was far from satisfactory; it was sharply and justly criticised at the time, and has been ever since. Yet it relieved some of the most pressing matters in dispute, contained the most favorable terms that England could possibly have been induced to yield at that time, and with little doubt prevented war between the two countries. It secured compensation for injuries already inflicted upon American commerce, which was now, for a time at least, free from spoliation at the hands of British cruisers. Jay was unable to provide in the treaty for the protection of American seamen against impressment into the British naval service. This practice, which ultimately led to war between the two nations, was just beginning at this time.

After Genet's recall the complaints of France against the United States continued, but at first grew less acrimonious, and for a time better feeling prevailed between the two governments. Then with

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the promulgation of Jay's treaty with England conditions changed again for the worse. This treaty conflicted in some of its provisions with the treaties of 1778 with France, and for this reason it was very offensive to the French, who, moreover, were irritated that the Americans should have been willing to establish amicable relations with their old enemies. The sources of French discontent, repeatedly urged in the course of the correspondence between the two republics from 1794 to 1798, may be summarized under two heads: first, complaints based on alleged inexecution of the treaties of 1778 and the convention of 1788; and second, those arising from provisions of the late treaty with England supposed to be unfriendly to France or prejudicial to her interests.[1]

Under the first head the French complained that United States courts took cognizance of prizes brought into American ports by French cruisers and privateers; but it was shown that in every case alleged there was evidence that the prize had been taken in American territorial waters or by a privateer fitted out in an American port. A case which brought forth loud and long-continued protests from the French was that of the Cassius, which had been originally armed in Philadelphia, had sailed under another name, refitted in the West

[1] *St. Pap.* vol. ii, pp. 113–499, vol. iii, pp. 5–36, vol. iv, pp. 93–137. See, also, report of Adet, March 21, 1796, to the French minister of foreign affairs, on Franco-American relations since 1793, *Amer. Hist. Assoc.* vol. ii, pp. 846–881.

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Indies, and then cruised under command of an American citizen. She brought a prize into Philadelphia, and was there seized and her captain arrested. The Vengeance, another privateer that attracted especial attention, was held, tried, and finally released.[1] It was charged, moreover, that British vessels of war having taken prizes were admitted, in some cases with their prizes, into American ports, in contravention of the seventeenth article of the treaty of commerce of 1778. The wording of this article[2] is not clear, and there was a difference of opinion as to its precise meaning, the French insisting that all war vessels which had ever taken prizes from them must be kept out, while the American interpretation included only vessels attempting to bring in prizes. In any event, the article stipulated merely that proper measures should be taken to cause such vessels to retire, but it was not within the power of the United States government, with no navy, to force compliance.[3]

Furthermore, the French declared that the ninth and twelfth articles[4] of the consular convention of 1788, granting jurisdiction to consuls in disputes between their own citizens and also the right to

[1] *St. Pap.* vol. ii, pp. 129–140, 216–227, 234–252, 273–281, 357–425, vol. iv, pp. 95–97, 105–109, 112–114; *Amer. Hist. Assoc.* 1903, vol. ii, pp. 417, 779, 842, 858–862, 907, 976, 1019.

[2] See Appendix II.

[3] *St. Pap.* vol. ii, pp. 140–142, 148–150, 201–206, 281–357, vol. iv, pp. 109–112; *Amer. Hist. Assoc.* 1903, vol. ii, pp. 650, 666, 684, 696–701, 722, 935.

[4] See Appendix II.

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recover deserters from their vessels, had not been effectively executed. In respect to the latter, they complained that American judges refused to issue warrants for the apprehension of deserters until furnished with the original registers of the vessels concerned; this was in accordance with a strict construction of the wording of article nine. As to jurisdiction, the consuls claimed more than the convention allowed or than was practicable.[1]

Under the second head, relating to the treaty with England, the main French grievance was that the list of contraband was increased, whereas it should have been diminished, in accordance with the liberal principles of the armed neutrality of European powers during the American Revolution. This was a reform earnestly desired by the United States, and which Jay had vainly endeavored to get incorporated into the treaty. As it was, the list of contraband adopted was precisely that recognized by the law of nations, and it was stipulated that when provisions were seized they should be paid for. Another charge was that Jay's treaty prevented the French from selling their prizes in American ports, as they had formerly done and claimed the right to do under their treaty; but the Secretary of State showed clearly that it was not a right, but a privilege which had been temporarily accorded to them. They had the advantage of

[1] *St. Pap.* vol. ii, pp. 181–184, 497, vol. iii, pp. 8–10, vol. iv, pp. 114–117, 195, 202; *Amer. Hist. Assoc.* 1903, vol. ii, pp. 681, 862.

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the English, however, where the treaties conflicted, by reason of priority. Nevertheless, it cannot be doubted that Jay's treaty was detrimental to France. Poor crops at home made her dependent upon America for food, and the seizure of provisions by the English worked great hardship. The lack of accessible ports for refitting and the disposal of prizes was also severely felt by the French. Their complaints, therefore, were natural and not unreasonable.[1]

A complaint of a more special and temporary nature related to an outrag committed against the French minister, Fauchet, at the conclusion of his mission in the United States. The sloop in which he sailed for Newport, whence he was to take his homeward passage, was held up off that port, August 1, 1795, by the British frigate Africa; but Fauchet had previously landed at Stonington with his papers. The English captain, however, caused the minister's baggage on the sloop to be searched, and also sent an insulting letter to the governor of Rhode Island by the British vice-consul. For this violation of American neutrality and of the law of nations, the President revoked the exequatur of the consul, ordered the Africa away from Newport, and demanded

[1] *St. Pap.* vol. ii, pp. 115–126, 185, 206–210, 253–273, 444–472, 477–488, vol. iv, pp. 43–61, 66–70, 98, 99, 117–124; *Claims*, p. 251; *Amer. Hist. Assoc.* 1903, vol. ii, pp. 747, 824, 902, 911, 934, 1006, 1066, and Index for further references to Jay's mission and treaty. On the difficulties of France in obtaining food and supplies, see *Ibid.* pp. 8, 305, 319, 526–529; *Mahan*, ch. v.

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reparation on the part of the British government.[1]

Such were the causes of the chronic irritation characterizing the attitude of France towards the United States, which led to the enactment by the French government of a series of harsh decrees that dealt a severe blow at American commerce.

On the occasion of Monroe's taking leave of the French government upon his recall, December 30, 1796, President Barras of the Executive Directory delivered a speech referring to the United States government in terms of marked disrespect, and aiming to alienate the American people from the rulers that they themselves had chosen. At the same time the Directory refused to receive Pinckney as United States minister. After an uncomfortable stay of several weeks in Paris, treated with discourtesy and neglect, he was ordered to leave the country, and withdrew to Holland.[2]

Notwithstanding this rebuff, the administration, sincerely desirous of promoting friendly relations with France, decided to send three commissioners to Paris, who were to make another attempt to restore mutual respect and amity, to adjust the claims

[1] *St. Pap.* vol. ii, pp. 184, 498, vol. iii, pp. 16–36; *Amer. Hist. Assoc.* 1903, vol. ii, pp. 772, 786, 855. The interception by the British of one of Fauchet's earlier dispatches led to the resignation of Secretary Randolph; *Amer. Hist. Assoc.* 1903, vol. ii, pp. 372, 411, 414, 444, 774, 783; *Narrative and Critical History*, vol. vii, p. 517.

[2] *St. Pap.* vol. iii, pp. 85–88, 94–104, 109–114, 118, 140–142.

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of American citizens, and to negotiate a new treaty of commerce. The envoys appointed by President Adams were Charles C. Pinckney, John Marshall, and Francis Dana; Dana declined to serve, and Elbridge Gerry was appointed in his place. Marshall and Gerry sailed for Holland, where they were joined by Pinckney. All three then proceeded to Paris, where they arrived October 4, 1797. Their position during their six months' stay in France was peculiar. Although accorded an unofficial interview soon after their arrival by Talleyrand, minister of foreign affairs, they were refused recognition by the Directory, and failed to receive the consideration and respect due to them as envoys from an independent nation. Their intercourse with the government was indirect, and carried on through three emissaries of the Directory whose names were not made public, and who were known as Messrs. X, Y, and Z. This mission to France was accordingly called the X Y Z mission.[1]

It was represented by these emissaries that the Directory were offended at President Adams's allusion, in his speech at the opening of Congress, to the address of President Barras to the departing minister, Monroe; and that an explanation would be expected. It would also be necessary, in order to accommodate the differences between the two countries, that the United States should advance a loan of thirty-two million florins to France; and

[1] *St. Pap.* vol. iii, pp. 338, 455–475.

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further, as a balm for the wounded feelings of the French Directory and ministers and to facilitate negotiations, a "*douceur* for the pocket" of twelve hundred thousand livres was demanded. This proposal, however, was to come from the envoys. The envoys protested that they had no authority to make a loan, and that, as the neutrality of the United States would be compromised by such a measure, their government could not be expected to give them authority. In vain they begged for an opportunity to discuss the real questions at issue between the two countries, believing that a mutual understanding of these questions would lead to reconciliation. X said: "'Gentlemen, you do not speak to the point; it is money; it is expected that you will offer money.' We said that we had spoken to that point very explicitly; we had given an answer. 'No,' said he, 'you have not. What is your answer?' We replied: 'It is no, no; not a sixpence.' . . . He said we ought to consider what men we had to treat with; that they disregarded the justice of our claims; . . . that we could only acquire an interest among them by a judicious application of money. . . . He said that all the members of the Directory were not disposed to receive our money; that Merlin, for instance, was paid from another quarter, and would touch no part of the *douceur* which was to come from us. We replied that we had understood that Merlin was paid by the owners of the privateers; and he nodded an

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assent to the fact." [1] Gerry had two interviews with Talleyrand, on one occasion accompanied by Y and on the other by Z. The French minister alluded in unmistakable terms to the subject of a bribe to be offered by the envoys, and also said that information given by Y "might always be relied on." November 1 the envoys agreed to "hold no more indirect intercourse with the government." Six weeks later, however, X and Y again attempted to excite the Americans' interest in their financial schemes, and Pinckney was interviewed on the same subject by a lady said to be well acquainted with Talleyrand. Y threatened that if nothing were done the coasts of the United States would be ravaged by French frigates.[2]

The envoys then wrote to Talleyrand a long letter, dated January 17, 1798, reviewing the relations of the two governments from the beginning. Early in March they had two interviews with him, in which he urged the loan. On the 18th he replied to their letter, rehearsing the old complaints and expressing dissatisfaction with the envoys themselves; two of them, he said, were not agreeable to the Directory, but with the third, Gerry, they were willing to treat. Pinckney and Marshall, as members of the Federalist party, were not acceptable ministers. The ascendency of this party in America was displeasing to the French, whose disappointment at the result of

[1] *St. Pap.* vol. iii, p. 492, vol. iv, p. 273.
[2] *Ibid.* vol. iii, pp. 475–499, vol. iv, pp. 5–25.

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the last presidential election was doubtless in part responsible for their unfriendly attitude at this time. Talleyrand's letter drew from the envoys another long communication, dated April 3, in which all his arguments were well met and the lack of authority of any one of them to treat alone was stated. They asked for passports and letters of safe conduct for their passage home. Pinckney and Marshall were now treated with marked discourtesy, and took their departure; Marshall soon returned to America. Instructions from the Secretary of State, dated March 23, arrived later, directing the envoys to leave Paris at once, if not duly received by the Directory, and in no case to listen to any suggestion of a loan. Gerry was induced to remain by a threat of immediate war if he did not.[1]

Gerry was approached by Talleyrand on the subject of negotiations, but he declined on the ground that he was unauthorized to treat alone; and in fact he soon received the positive orders of March 23 to return home. He remained, however, until midsummer, and during this time a correspondence was maintained in which Talleyrand endeavored to bring on a discussion of the issues. Gerry refused to be drawn into negotiations, and repeatedly demanded his passports. He has been severely censured for allowing his apprehension of war to detain him so long in France. At this period a published report of the American envoys' interviews with

[1] *St. Pap.* vol. iv, pp. 26–142.

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X, Y, and Z came to the attention of Talleyrand and excited his indignation. He absolutely denied any knowledge of X, Y, and Z, or of their negotiations, and insisted upon knowing their names, which, after some hesitation, Gerry weakly revealed.[1] That the whole affair was engineered by Talleyrand, acting under orders of the Directory, admits of no doubt. Gerry's colleagues afterwards certified to the fact of the French minister's participation in the negotiations, and Marshall was "struck with the shameless effrontery of affecting to Mr. Gerry ignorance of the persons so designated."[2] Gerry finally sailed for America in the United States brig Sophia about August 1, leaving the affairs of his country in charge of Consul-General Skipwith.[3]

Thus the attempts of the administration to accommodate matters with France came to nothing, and all that remained to be done was to adopt a policy of armed defense.

[1] The names of Y and Z were Bellamy and Hautval; that of X, under promise of secrecy, was not published, but is given as Hottinguer in *Narr. and Crit. Hist.* vol. vii, p. 519.

[2] *Pickering* [MSS.], vol. xxiii, 281, 320.

[3] *St. Pap.* vol. iv, pp. 153–282; *Adams*, vol. viii, p. 610.

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CHAPTER III

FRENCH SPOLIATIONS

It is now necessary to go back to the beginning of the war in Europe and follow the course of events resulting from the misunderstandings and abuses of treaty obligations, the harsh decrees of France, and the consequent ravages upon American shipping.

During the period of the French Revolution and European war, neutral commerce suffered severely at the hands of the different belligerents, and American foreign trade, just beginning to flourish and bring wealth to the country, received a serious check. And yet, being the most seafaring people among the neutral powers, the Americans should have had the largest share of the Atlantic carrying trade and have profited correspondingly.

In a message to Congress, December 5, 1793, President Washington called attention to these facts. Those who had suffered loss were requested to furnish proof, that measures might be taken to obtain redress. On the evidence thus called forth were based the earliest of the claims for indemnity which have been urged by the despoiled mariners and their descendants ever since. About the beginning of 1794 a committee of Philadelphia merchants reported

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numerous cases, with proofs, and added: "It has become a practice for many of the privateers of the belligerent powers to send into port all American vessels they meet with, bound from any of the French ports in the West Indies to the United States; . . . and though many of those vessels have been afterwards liberated, yet the loss by plunder, detention, and expense is so great as to render it ruinous to the American owner." The Secretary of State, Edmund Randolph, made a report to the President, March 2, 1794, on these proceedings. England, France, Spain, and Holland were the powers complained of, especially the first two. Their aggressions were committed under the authority of decrees promulgated by their governments and aimed at neutral carriers. The relations between the United States and Great Britain were improved not long after this time by Jay's treaty. Injuries suffered at the hands of the Spanish and Dutch were comparatively slight. The French, therefore, for a number of years to come, were the chief offenders.[1]

May 9, 1793, the National Convention of France issued a decree [2] authorizing the seizure, on board a neutral vessel, of enemies' goods or of provisions bound to an enemy's port, the latter to be paid for and the vessel released upon the discharge of the cargo. The United States minister, Gouverneur

[1] *St. Pap.* vol. i, pp. 50, 494–499; *Court of Claims Reports*, vol. xxi, p. 355.

[2] See Appendix III.

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Morris, complained that this decree violated the twenty-third article of the treaty of commerce of 1778, according to which free ships made free goods. Thereupon American vessels were declared exempt from the regulations of May 9 by another decree, that of May 23, and Morris was assured that he would "find a new confirmation of the principles from which the French people will never depart with regard to their good friends and allies the United States of America." Yet on the 28th, through the corrupt influence of the owners of a privateer that had captured a rich American ship, this decree of the 23d was repealed. This was just at one of the crises of the French Revolution, and a few days later the Girondists were overthrown by the Jacobins. Upon continued complaints by Morris, the Convention, July 1, passed another decree, again declaring "that the vessels of the United States are not comprised in the regulations of the decree of the 9th of May"; but this was once more reversed, July 27, and the decree of May 9 was declared to be in full force. For a year and a half this state of things continued, and many captures of American vessels were made under the decree of May 9, 1793, until it was finally repealed, January 3, 1795, partial relief having been afforded by a decree of November 15, 1794. Then for the next year and a half American commerce was comparatively undisturbed; but on July 2, 1796, the French government enacted the first of a series of

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harsh decrees which brought matters to a crisis in 1798.[1]

The Secretary of State, Timothy Pickering, in a report dated February 27, 1797, indicates the character of the injuries suffered by merchants and mariners as follows: "1. Spoliations and maltreatment of their vessels at sea by French ships of war and privateers; 2. A distressing and long-continued embargo laid upon their vessels at Bordeaux, in the years 1793 and 1794; 3. The non-payment of bills and other evidences of debts, drawn by the colonial administrations in the West Indies; 4. The seizure or forced sales of the cargoes of their vessels and the appropriating of them to public use without paying for them, or paying inadequately, or delaying payment for a great length of time; 5. The non-performance of contracts made by the agents of the government for supplies; 6. The condemnation of their vessels and cargoes under such of the marine ordinances of France as are incompatible with the treaties subsisting between the two countries; and 7. The captures sanctioned by a decree of the National Convention of the 9th of May, 1793, . . . in violation of the treaty of amity and commerce."[2]

In justification of their decrees, the French maintained that they were made necessary by sim-

[1] *St. Pap.* vol. i, pp. 419, 420, 453–460, vol. ii, pp. 174, 434–438, vol. iii, pp. 37–55, 180, vol. vii, pp. 147–154; *Amer. Hist. Assoc.* 1903, vol. ii, pp. 641, 668.

[2] *St. Pap.* vol. iii, p. 37.

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ilar regulations enacted by other nations, particularly England. An instance of this species of retaliation, of which the unoffending neutral was made the victim, was furnished by the decree of July 2, 1796, which provided that neutrals should be treated by France as they permitted themselves to be treated by England. This gave a large measure of arbitrary power to commanders of French war vessels and privateers and to French consuls; a power which was often abused, and which resulted in the capture of a large number of American vessels. This decree was followed and reinforced by others enacted by agents of the Directory in the West Indies, where from this time on most of the spoliations of American commerce were made. Disappointment at the election of President Adams and resentment over Jay's treaty with England inspired the decree of March 2, 1797,[1] which provided that enemies' goods in a neutral ship should be seized, the ship being released; that Americans serving in enemies' ships should be deemed pirates; and that an American ship not having a *rôle d'équipage*, or list of the crew in proper form, should be lawful prize. This meant that an American seaman unfortunate enough to be impressed into the British naval service might be hanged at the yard-arm of a French ship, if captured. The requirement of the *rôle d'équipage*, based on a strained interpretation of the twenty-fifth and twenty-seventh

[1] See Appendix III for these decrees.

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articles of the treaty of commerce of 1778, caused heavy losses until American shipmasters had learned the necessity of providing themselves with this paper. The treaty did not require the crew list to be kept on the vessel, but merely to be entered "in the proper office." Yet even admitting the French contention, the treaty prescribed no penalty for non-performance, and so severe a measure as condemnation was unjustifiable; this was the decision of the French council of prizes in one case.[1] This decree also extended the list of contraband to conform with Jay's treaty. The provision as to piracy was based on article twenty-one of Jay's treaty, which, however, applied only to persons holding a privateer's commission and to no subordinate, whether or not serving under compulsion.[2]

When American prizes had become scarcer by reason of ships being generally provided with the *rôle d'équipage*, the French Directory enacted the decree of January 18, 1798,[3] which condemned as good prize all neutral vessels loaded with goods coming from an enemy's country. This was the last decree before the failure of negotiations in the spring of 1798, but three others were promulgated before the end of the year. The first was that of July 31,

[1] For discussion of the *rôle d'équipage*, see *Ct. Claims Rep.* vol. xxii, pp. 49–57; *Doc.* 102, p. 156.

[2] *St. Pap.* vol. ii, pp. 171–173, 178, 187–195, 472–477, vol. iii, pp. 40, 55–83, 119–122, 171, 172, 178–186, 439–451, 467, vol. iv, pp. 63–80, 121; *Amer. Hist. Assoc.* 1903, vol. ii, pp. 923, 1072, 1080; *Mahan*, vol. ii, pp. 242–248.

[3] See Appendix III.

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which was conciliatory but disingenuous. The second, of August 16, raised an embargo recently laid on American vessels. The third, that of October 29, a second time declared all neutrals serving on the ships of enemies, whether or not under compulsion, to be pirates and subject to treatment as such. This last decree was soon suspended, but that of March 2, 1797, of much the same import, still remained in force.[1]

The great commercial importance of the West Indies made this region one of the principal centres of naval activity during the European war. These islands were to a great extent dependent upon the neighboring continent for provisions, and a very large share in the West India trade fell to the United States. For this reason American shipping was peculiarly exposed to the aggressions of the belligerents. In Haiti a bloody revolt of slaves had been going on for some years, and they finally gained control of the whole island, under their leader, Toussaint L'Ouverture, a pure negro, who governed it well though harshly, and held it until 1802. Although French commissioners were supposed to rule Haiti, or San Domingo, as the whole island was called, they had no real power. This revolution caused great suffering on the island, and many refugees found their way to the United States. Among the Lesser Antilles the French islands of Guadeloupe, Martinique,

[1] *St. Pap.* vol. iii, pp. 451–455, vol. iv, pp. 80–82, 129–133, 223, 243–245, 262–285, vol. vii, pp. 154–162.

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Santa Lucia, and Tobago, being to windward, had a great advantage in position. All these islands early in 1794 fell into the hands of the English, whose naval supremacy in the West Indies was undisputed; but before the end of the year Guadeloupe, being weakly garrisoned, was recaptured. This was accomplished after a struggle of several months by a force of frigates and transports which had come out from France. With this expedition came Victor Hugues, a commissioner of the National Convention, who assumed the government of the island. His administration was cruel but able. Guadeloupe now became the base of operations of French cruisers and privateers in the West Indies. By 1796 both Holland and Spain had become allies of France, and their ports in the West Indies were thenceforth open to French privateers. Four decrees were issued by French agents in the West Indies between August, 1796, and February, 1797; three of them by Victor Hugues and the other by the French commissioners at Cape François (Cap Haitien). These decrees directed the seizure of American vessels if loaded with contraband, or if bound to or from English ports.[1]

From the reports of Consul-General Skipwith at Paris, and other sources, many illustrative cases

[1] *St. Pap.* vol. ii, p. 178, vol. iii, pp. 40, 55, 77–83, 171–175, vol. iv, p. 65, vol. vii, pp. 165–168, vol. x, pp. 349–351; *Amer. Hist. Assoc.* 1903, vol. ii, pp. 45, 63, 72, 76–85, 97, 122, 126, 152, 219, 224, 259, 262, 311, 362, 461, 542, 609, 625, 688, 705, 765, 789, 804; *Jefferson*, vol. v, p. 394, vol. vi, p. 349; *Mahan*, ch. iv; *Narr. and Crit. Hist.* vol. viii, pp. 282–285.

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might be cited, in order to indicate the sort of experiences and the losses, privations, and hardships of American shipowners and mariners. During the earlier years of the war, a great many vessels were either captured at sea and sent into French ports or detained in port and subjected to great annoyance and interminable delays. Some of the claims for loss in these cases were settled with the French government by Consul Skipwith, but in the far greater number nothing could be done. In 1793 an embargo was laid on shipping in the port of Bordeaux, and one hundred and three American vessels were detained there more than a year. Skipwith says, October, 1794: "I can assure you that there are near three hundred sail of American vessels now in the ports of France, all of whom have suffered or are suffering more or less delay and difficulties." [1]

The charge was made that it was a common practice of American consuls in Europe to be financially interested in French privateers. It was said that many of them were poor men and yielded to the temptation of reaping great profits, hoping in each case, perhaps, that the prizes taken would be English. The consul at Bordeaux, Joseph Fenwick, was removed from office on this account, it having been shown that he was the principal owner of a privateer that had taken an American ship.[2] A few American

[1] *St. Pap.* vol. ii, pp. 9–12, vol. iii, pp. 44–77; *Amer. Hist. Assoc.* 1903, vol. ii, p. 321.

[2] *Pickering*, vol. x, 9, vol. xxi, 289, 298, 299, 353, 355.

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shipmasters, too, were so debased as to be willing to command French privateers and prey upon their countrymen.[1] For such offenses, by an act of June 14, 1797, Congress provided severe penalties.[2]

The decree of July 2, 1796, and those following, were marked by increasing harshness, and Americans captured under them were not only subjected to annoyance and delay, but often to maltreatment and the confiscation of their vessels and property. Joel Barlow, long a resident of Paris, says of the decree of March 2, 1797, that it "was meant to be little short of a declaration of war."[3] The truth of this will appear from two or three instances. The schooner Zilpha of Portsmouth, New Hampshire, homeward bound from Tobago, was captured February 24, 1797, by the French privateer Hirondale, and taken into Porto Rico. All her papers were seized, she was stripped of sails, rigging, and provisions, and the master and crew ordered to leave her. They found their way home on another American vessel.[4] The ship Commerce of Newburyport, bound for Jamaica, on the 25th of December, 1796, fell in with a French privateer. While hove to, in obedience to a gun from the privateer, the Commerce received a broadside from her which wounded four men.[5] The brig Calliope of New York, bound from

[1] *St. Pap.* vol. iii, pp. 114–118, 259, vol. iv, p. 271.

[2] *Statutes at Large*, vol. i, p. 520.

[3] *St. Pap.* vol. iv, pp. 269, 270. See, also, Todd's *Life of Barlow*, pp. 155–171.

[4] *St. Pap.* vol. iii, pp. 198, 285.

[5] *Ibid.* p. 208.

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Teneriffe to Curaçao with a cargo of wine, was captured March 10, 1797, by a French privateer ten leagues east of Martinique. She was sent into Basse Terre, Guadeloupe, and condemned as lawful prize.[1] The ship Cincinnatus of Baltimore was taken at sea, March 7, 1797, by a French armed brig. Her captain was tortured with thumbscrews to induce him to declare his cargo to be English property. This he refused to do, and was finally released with his vessel, after having been robbed of much of his private property and nearly all his provisions.[2] These few cases, selected from hundreds, give an idea what the French spoliations were.[3]

During the mission of Pinckney, Marshall, and Gerry in France, their dispatches were transmitted by the State Department to Congress, where they excited deep interest, and the X Y Z episode strengthened national feeling and created opposition to France. In his message of June 21, 1798, announcing Marshall's return home and the final failure of negotiations, the President says: "I will never send another minister to France without assurances that he will be received, respected, and honored as the representative of a great, free, powerful, and independent nation."[4]

Congress had already begun to act, and during

[1] *St. Pap.* vol. iii, p. 231.

[2] *Ibid.* p. 293.

[3] *Ibid.* pp. 105–108, 170–178, 186–298, 321, 448–451. See, also, *Hoxse*, ch. ii, iii, iv, v. An imperfect list of the spoliations, 444 in number, is given in *For. Rel.* vol. vi, p. 564.

[4] *St. Pap.* vol. iv, p. 137.

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the spring and summer of 1798 adopted a number of warlike measures. The first of these was an act, passed April 27, to provide additional armament for the protection of American trade; and on the 30th another, organizing the Navy Department.[1] Acts soon followed directing the construction and purchase of more vessels, authorizing the capture of French vessels, suspending intercourse with France, establishing the marine corps, and making other necessary provision for hostilities. Inasmuch as under the Constitution of the United States treaties are the supreme law of the land, these measures of defense, being in conflict with the existing treaties with France, were deemed unlawful. Therefore, to avoid this difficulty as well as to get rid of troublesome obligations, the treaties were abrogated by the act of July 7, on the ground that they had already been violated by France.[2] On the 13th the President revoked the exequaturs of Consul-General Letombe and all other French consuls in the United States.[3]

The army also was increased, and on July 2 the President nominated Washington "to be Lieutenant-General and Commander-in-Chief of all the armies raised or to be raised in the United States." The nomination was promptly confirmed, and upon accepting the appointment Washington wrote to the

[1] *Statutes at Large*, vol. i, pp. 552, 553.
[2] *Ibid.* p. 578.
[3] *Adams*, vol. ix, p. 170.

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President, July 13, 1798: "I must not conceal from you my earnest wish that the choice had fallen upon a man less declined in years and better qualified to encounter the usual vicissitudes of war. . . . Feeling how incumbent it is upon every person, of every description, to contribute at all times to his country's welfare, and especially in a moment like the present, when everything we hold dear and sacred is so seriously threatened, I have finally determined to accept the commission of Commander-in-Chief of the armies of the United States." [1]

[1] *Richardson*, vol. i, pp. 267, 268; *St. Pap.* vol. x, pp. 465, 466.

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CHAPTER IV

NAVAL PREPARATION

At the time trouble with France began the United States had no armed vessels whatever, if we except a few small revenue cutters manned by crews of half a dozen each. Five vessels only of the Revolutionary navy had outlived the vicissitudes of the war, and these had been disposed of long before, the last survivor having been the frigate Alliance, which was sold in 1785. The officers and men, too, of the Revolutionary navy and marine corps had of course been disbanded. One or two of the officers were employed by the Treasury Department on the revenue cutters, and others were in the merchant marine. Some of them were to reënter the national service later when the new navy became established.

No sooner had the old navy disappeared than the need of such a force began to be appreciated. In 1785 two American merchantmen were seized by Algerine pirates and their crews enslaved. Jefferson, then minister to France, began at once to urge the necessity of a naval force to protect American commerce in the Mediterranean. His efforts, however, were not effectively seconded. A committee of Congress in 1786 and a Senate committee in 1791 reported favorably on the subject, and in 1790 and

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1791 estimates of the cost of building frigates were obtained by the Secretary of War and submitted to the Senate, but nothing came of these movements. It was not until after the capture by the Algerines of eleven more vessels in 1793 that any decided action was taken by the government. A bill providing for six frigates, four of forty-four guns each and two of thirty-six, was reported in the House of Representatives, January 20, 1794, which passed both houses of Congress and received the President's signature March 27. Opposition to the bill was strong, and it was only allowed to pass when so amended as to include the condition that all work on the ships should cease in case of peace being concluded with Algiers. This condition was met by the treaty of September 5, 1795. Nevertheless, by the supplementary act of April 20, 1796, the completion of three of the frigates was authorized. An act of June 5, 1794, provided for ten galleys, if "necessary for the protection of the United States," but the necessity did not arise.[1]

The vessels built under the act of March 27, 1794, were designed by, or under the direction of, Joshua Humphreys, a shipbuilder of Philadelphia, who was no doubt the best man in the country for the purpose. His good sense and foresight inaugurated a policy in naval construction which has been gen-

[1] *Naval Chronicle*, ch. ii; *Naval Affairs*, vol. i, pp. 5, 25; *Report Senate Committee*, vol. iv, p. 5; *Statutes at Large*, vol. i, pp. 350, 376, 394, 453; Benton's *Debates of Congress*, vol. i, pp. 473–482; *Naval Institute*, September, 1906, pp. 1002, 1003.

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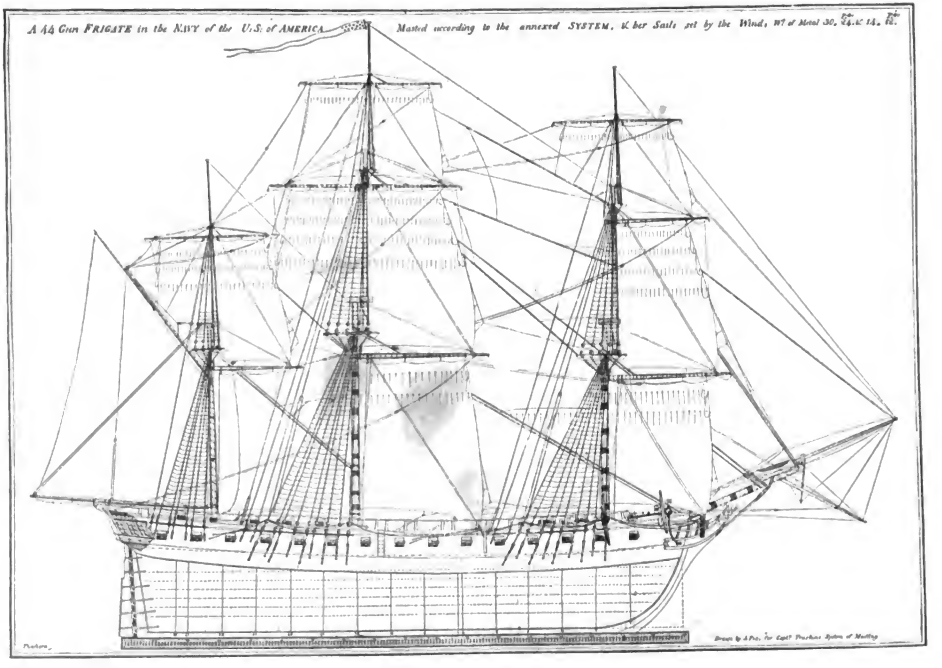

PLAN OF A FRIGATE

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erally, though not always, adhered to ever since; that is, the wise policy of building the best and most powerful vessels of their class. Humphreys' views are set forth in his correspondence. He had been interested in the subject from the time a new navy had first been proposed, and in January, 1793, had written to Robert Morris, then in the Senate: "Ships that compose the European navys are generally distinguished by their rates; but as the situation and depth of water of our coasts and harbors are different in some degrees from those in Europe, and as our navy for a considerable time will be inferior in numbers, we are to consider what size ships will be most formidable and be an overmatch for those of an enemy; such frigates as in blowing weather would be an overmatch for double-deck ships, and in light winds to evade coming to action; or double-deck ships that would be an overmatch for common double-deck ships, and in blowing weather superior to ships of three decks, or in calm weather or light winds to outsail them. Ships built on these principles will render those of an enemy in a degree useless, or require a greater number before they dare attack our ships. Frigates I suppose will be the first object, and none ought to be built less than 150 feet keel, to carry twenty-eight 32-pounders or thirty 24-pounders on the gun deck and 12-pounders on the quarter-deck. . . . Frigates built to carry 12 and 18-pounders, in my opinion, will not answer the expectation contemplated from

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them, or if we should be obliged to take a part in the present European war, or at a future day we should be dragged into a war with any powers of the Old Continent, especially Great Britain, they having such a number of ships of that size that it would be an equal chance by equal combat that we lose our ships." After the adoption of his plans he wrote: "It was determined of importance to this country to take the lead in a class of ships not in use in Europe, which would be the only means of making our little navy of any importance. It would oblige other Powers to follow us intact, instead of our following them; considering at the same time it was not impossible we should be brought into a war with some of the European nations; and if we should be so engaged and had ships of equal size with theirs, for want of experience and discipline, which cannot immediately be expected, in an engagement we should not have an equal chance and probably lose our ships. Ships of the present construction have everything in their favor; their great length gives them the advantage of sailing, which is an object of the first magnitude. They are superior to any European frigate, and if others should be in company, our frigates can always lead ahead and never be obliged to go into action but on their own terms, except in a calm; in blowing weather our ships are capable of engaging to advantage double-deck ships. These reasons weighed down all objections." [1]

[1] *Hollis*, pp. 35–37.

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Again, in his first report, December 23, 1794, Humphreys says: "As soon as Congress had agreed to build frigates, it was contemplated to make them the most powerful and at the same time the most useful ships. After the most extensive researches and mature deliberations, their dimensions were fixed and I was directed to prepare the draughts, which was accordingly done and approved. Those plans appear to be similar with those adopted by France in their great experience in naval architecture, they having cut down several of their seventy-fours to make heavy frigates, making them nearly of the dimensions of those for the United States. From the construction of those ships it is expected the commanders of them will have it in their power to engage, or not, any ship as they may think proper; and no ship under sixty-four now afloat but what must submit to them." [1]

A few days later the Secretary of War, General Henry Knox, in whose department the work was done, the Navy Department not yet having been established, reported to the House of Representatives: "That the passing of the said act created an anxious solicitude that this second commencement of a navy for the United States be worthy of their national character. That the vessels should combine such qualities of strength, durability, swiftness of sailing, and force as to render them equal, if not superior, to any frigates belonging to any of the Euro-

[1] *Nav. Aff.* vol. i, p. 8.

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pean Powers. Researches therefore have been made for the best principles of construction and such proportions adopted as have appeared best, upon the most mature advice and deliberation. The largest ships, of forty-four guns, will be constructed upon a scale to contain thirty cannons of the caliber of twenty-four pounds, upon the gun deck. The others, of thirty-six, twenty-eight cannons of the same caliber upon the gun deck. The remaining force will be made up of twelve pounders and brass howitzers. The frigates will be built of live oak and red cedar in all parts where they can be used to advantage. These valuable woods afford the United States the highest advantages in building ships, the durability being estimated at five times that of the common white oak. Besides these woods, the best white oak, pitch pine, and locust are directed to be used in the construction."[1]

The plans for the forty-fours provided for a length over all of about a hundred and seventy-five feet and a tonnage of fifteen hundred and seventy-six, while the thirty-sixes were to be about eleven feet shorter and to measure twelve hundred and sixty-five tons.[2] The larger frigates were to be manned by three hundred and fifty-nine officers and men, the smaller by three hundred and twelve.[3] It was decided to build the frigates at six different

[1] *Nav. Aff.* vol. i, p. 6. [2] *Ibid.* pp. 10, 13.

[3] *Nav. Chron.* pp. 54, 55, 99, 331; these numbers were afterwards increased to four hundred and three hundred and forty.

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seaports, and by the government through agents rather than by contract. Shipyards were rented and naval agents appointed in the six ports. The work on each ship was in charge of a naval constructor and under the direction of a superintendent, who was to command the vessel when completed.[1]

Much time was required for the building of these frigates. It does not appear that the keels were laid until late in 1795, and after that the work proceeded slowly. This was partly due to the minute and painstaking care bestowed on the plans and the preparations for working out the important problem of producing "the most powerful and at the same time the most useful ships," and partly to the uncommon thoroughness of their construction. The delay was chiefly due, however, to difficulties met with in procuring live-oak timber. For this purpose woodcutters were sent from New England to Georgia, and a sufficient quantity of the timber had not been delivered at the various shipyards, when, in the spring of 1796, work on three of the frigates was suspended.

The three ships chosen for completion under the act of April 20, 1796, were the United States and Constitution, of forty-four guns each, and the Constellation, of thirty-six. All three became famous in later years, and the last two are still on the Navy Register.

[1] *Nav. Aff.* vol. i, p. 6; *Nav. Inst.* September, 1906, p. 1007.
[2] *Nav. Aff.* vol. i, pp. 6–31.

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The United States was built at Philadelphia by Joshua Humphreys, the chief naval constructor and designer of all the frigates. Her construction was superintended by Captain John Barry, who was to command her when finished. She was launched May 10, 1797, and slid into the water with such precipitation that she received some damage. She was the first vessel of the new navy, and excited the enthusiasm of the friends of the navy and the derision of the ultra French party.[1] The second ship to reach the water was the Constellation, which was launched September 7, at Baltimore. The Constitution was built at Boston, under the supervision of Colonel George Claghorne, naval constructor, and of Captain Samuel Nicholson, her future commander, at the shipyard of Edmund Hartt, on the site of the present Constitution Wharf. She was ready to launch in September, 1797, and the attempt was made before a great crowd of people; but she stuck on the ways, which had been given too little inclination in order to avoid an accident similar to that of the United States. All efforts to get her into the water failed, to the mortification of Colonel Claghorne and the great disappointment of the spectators. It was necessary to reconstruct the ways and wait for the next spring tide. At last she was successfully launched October 21.[2]

[1] *Nav. Aff.* vol. i, p. 28; *Barry*, ch. xxvii.
[2] *Nav. Aff.* vol. i, p. 56; *Hollis*, ch. iv.

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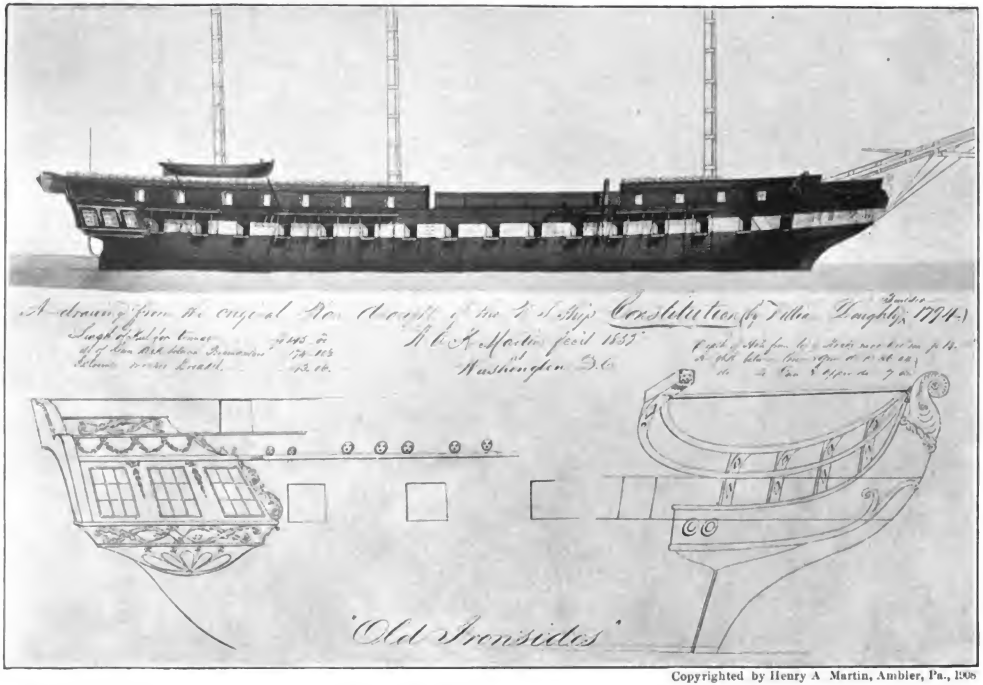

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The first officers selected for the new navy were six captains, whose appointments were announced June 5, 1794.[1] They were John Barry, Samuel Nicholson, Silas Talbot, Joshua Barney, Richard Dale, and Thomas Truxtun, who were to take rank in the order given. The first two had served the country well as captains in the Revolutionary navy, Barry having commanded the Alliance late in the war. Talbot had been to sea in early life, and at the outbreak of the Revolution had entered the army as captain, being later promoted to lieutenant-colonel. He then received a captain's commission in the navy, and, although no suitable command could be provided for him, he did good service on small vessels. Barney was a lieutenant in the Revolutionary navy. Dale was Paul Jones's first lieutenant in the Bon Homme Richard. Truxtun was a Revolutionary privateersman. Barney declined to serve as junior to Talbot, whom he considered a landsman on account of his army career. In his place James Sever was appointed, to take rank below Truxtun.

Each of the six captains was detailed to superintend the construction of one of the new frigates. This arrangement subsequently raised a question of rank, which may be referred to here. When in 1796 work on three of the frigates was suspended, the officers detailed to those vessels, Talbot, Dale, and Sever, were notified that their services were

[1] *Nav. Chron.* p. 58.

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no longer needed, and that their pay must be stopped; but they were not discharged from the service. In 1798 President Adams reappointed them and sent their names a second time to the Senate for confirmation, which appears to have been unnecessary. Thereupon Truxtun claimed rank over Talbot and Dale. His claim was disallowed and he resigned, but his resignation was not accepted, and he was prevailed upon to remain in the service.[1]

Although the President was authorized by the act of March 27, 1794, to appoint twenty-two lieutenants, six lieutenants of marines, and other commissioned officers to the number of fifty-four in all, no others than the captains were appointed until need for them arose, which was not until 1798. With the rapid expansion of the navy in that year many officers were needed at short notice, and they were not always selected with discriminating care. As a rule they were taken from the merchant marine, and many were veterans of the national or privateer sea service of the Revolution. Before 1801 more than two hundred commissioned officers were appointed, including thirty or more captains. In order to give the best men the highest rank, it was sometimes necessary to date their commissions back so that they might take precedence over others who had entered

[1] *Nav. Chron.* ch. xv; *Talbot*, ch. vii; *Adams*, vol. viii, pp. 663, 664, 669–675, vol. ix, p. 12; *Nav. Inst.* September, 1906, p. 1023; *Navy Department MSS.: Letters to President*, 16, 51, 53; *General Letters*, vol. i, 514, vol. ii, 254.

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the service earlier by reason of the vessels to which they were assigned being earlier fitted out. This was sometimes difficult to arrange, and required tact on the part of the Secretary of the Navy.[1] Between three hundred and fifty and four hundred midshipmen were appointed, and among them were several sons of officers and many other young men of promise, some of whom became famous in after years. The act of March 27 also authorized about two thousand warrant officers, petty officers, seamen, and marines. These were not appointed or enlisted until 1798, when the navy was put upon a war footing, and then of course many more were needed. The number of warrant officers taken into the service before 1801 was something over a hundred and twenty. The number of enlisted men was not fixed by law, but probably there were in service not far from six thousand petty officers and seamen when the navy was at its maximum strength. Seamen of a good class were easily obtained, and were enlisted as a rule for each vessel in the port where she first went into commission and to which she generally returned to ship a new crew.[2]

Captains received seventy-five dollars a month and six rations; lieutenants forty dollars and three rations. In 1799 the pay of captains in command of the larger ships was increased to one hundred

[1] *Letters to President*, 16, Stoddert to Adams (October, 17, 1798).

[2] *Statutes at Large*, vol. i, p. 350; *Nav. Chron.* pp. 54, 55, 99, 330, 375–388; *Nav. Inst.* September, 1906, p. 1023.

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dollars, with eight rations. Masters commandant were given sixty dollars, and lieutenants in command of small vessels fifty dollars a month, with five and four rations respectively. Midshipmen were paid something less than twenty dollars a month, with one ration. Warrant officers got twenty dollars a month, with two rations, and enlisted men from nine to thirteen dollars, with one ration. By commuting their rations at twenty cents each, officers materially increased their financial resources. The usual daily ration, prescribed in 1794, consisted of a pound and a half of beef or a pound of pork or of salt fish, a pound of bread, and one of rice, peas, or potatoes, with cheese or butter, and half a pint of spirits or a quart of beer.[1] For their own use officers were allowed to take provisions on board to the extent of "half a ton each for a six months' voyage." The captain was required by regulations to "take care, in cutting up the beef, that choice pieces be never purposely selected for the officers from that which is cut up for the ship's company"; and "that the officers do not select casks of the best wine or spirits for their own use from those intended for the ship's company." "Captains may shorten the daily allowance of provisions when necessity shall require it, taking due care that each man has credit for his deficiency, that he may be

[1] *Nav. Chron.* pp. 54, 55, 114, 339, 340; *Nav. Aff.* vol. i, pp. 29, 30; *Statutes at Large*, vol. i, pp. 351, 524, 618; *Morris*, p. 17; *Hollis*, p. 46. See *Claims*, p. 424.

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paid for the same." "No officer is to have whole allowance while the company is at short." The cook was directed to "see the meat duly watered and the provisions carefully and cleanly boiled and delivered to the men agreeably to regulations." Fishing was to be engaged in when opportunity should offer, and the fish equitably distributed "amongst the messes of the officers and seamen, gratis, without any deduction of their allowance of provisions on that account." [1]

Marines had been included in the complement of the first frigates, under the act of March 27, 1794, and they had been enlisted when needed; but the marine corps as a distinct body did not exist until it was established and organized by the act of July 11, 1798. The corps was to be an "addition to the present military establishment," and over and above their sea service marines "shall at any time be liable to do duty in the forts and garrisons of the United States." The marine corps was increased by an act of March 2, 1799, and after this date the force consisted of a major in command, four captains, thirty-six lieutenants, and over a thousand non-commissioned officers and privates. In the following year the rank of the commandant was raised to lieutenant-colonel. The pay in the marine corps was essentially the same, rank for rank, as in the navy.[2] The stations of marines aboard ship

[1] *Nav. Reg.* pp. 11, 15, 38, 44, 55.

[2] *Nav. Aff.* vol. i, p. 56; *Nav. Chron.* pp. 89, 114, 150; *Statutes*

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were prescribed in the navy regulations as follows: "The officers of marines will be divided among the posts assigned to the musketry. One will be destined to command those on the poop or quarter-deck. In cases where the Commander shall judge it proper to employ a part of the soldiers or marines in the batteries, he will employ with them a part of their officers and attach them to the service of a certain number of cannon, under the order of the officers who command the said batteries. . . . The marines will always parade on the poop or quarter-deck when the drum beats to quarters, at the same time every other man will run to his station."[1]

Under an act approved April 30, 1798, the Navy Department was established and thenceforth took charge of all naval affairs, which had hitherto been administered by the War Department.[2] George Cabot of Massachusetts was appointed Secretary of the Navy, but declined to serve, and Benjamin Stoddert of Georgetown, D. C., was appointed May 21, 1798.[3] He took charge of the department June 18.[4] Stoddert had far-seeing and statesmanlike views regarding naval expansion and preparation, and if his recommendations had been adopted the country might have been saved much

at Large, vol. i, pp. 594, 729, vol. ii, p. 39; *Letters to Congress*, 53.

[1] *Nav. Reg.* pp. 3, 4.

[2] *Nav. Aff.* vol. i, p. 33; *Nav. Chron.* p. 86; *Statutes at Large*, vol. i, p. 553.

[3] *Pickering*, vol. xxii, 154, 177. [4] *Gen. Letters*, vol. i, 2.

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BENJAMIN STODDERT

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humiliation, expense, and bloodshed within the next twenty years.[1]

In messages to Congress President Washington, December 7, 1796, and President Adams, May 16 and November 23, 1797, had urged the importance of national defense and naval preparation.[2] Congress responded in the summer of 1797 by authorizing the President to provide for fortifications, to call out the militia, to man and employ the new frigates, and to increase the strength of the revenue cutters.[3] The revenue cutter service had been established in 1790, and seven years later consisted of about fifteen small vessels, mostly brigs and schooners.[4] The vigorous defensive measures in the spring of 1798 began with an act of March 27, providing for the equipment of the frigates United States, Constitution, and Constellation. April 27 the President was empowered "to cause to be built, purchased, or hired a number of vessels, not exceeding twelve, nor carrying more than twenty-two guns each." By the act of May 4 he was "to cause a number of small vessels, not exceeding ten, to be built or purchased and to be fitted out . . . as gallies, or otherwise"; and by that of June 22, to increase still more the strength of the revenue cutters. Twelve additional vessels were authorized

[1] *Nav. Chron.* ch. v; *Nav. Aff.* vol. i, p. 65.

[2] *St. Pap.* vol. ii, p. 108, vol. iii, pp. 88, 339.

[3] Acts of June 23 and 24, July 1, 1797, *Statutes at Large*, vol. i, pp. 521, 522, 523.

[4] *United Service*, November, December, 1889.

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June 30, which the President might "accept in behalf of . . . and upon the credit of the United States"; other vessels also might be accepted as voluntary gifts. Of the twenty-four vessels provided for by this act and that of April 27, twelve were to carry from twenty to twenty-four guns each, six not less than thirty-two guns, and six not more than eighteen. The act of July 16 directed the completion of the three 1794 frigates left unfinished upon the conclusion of peace with Algiers; they were named President, Congress, and Chesapeake, the first of forty-four guns and the other two of thirty-six, although it had been originally intended to give the Chesapeake forty-four. The Philadelphia, 36, New York, 36, Essex, 32, Boston, 28, John Adams, 28, Merrimack, 24, Maryland, 20, Patapsco, 20, and Richmond, 18, were built with money advanced by citizens on the credit of the United States, under the act of June 30. Several other vessels were built, or purchased and converted into vessels of war, under the acts of April 27 and June 30. The more important of these were the General Greene, 28, Adams, 28, and the Portsmouth, Connecticut, Trumbull, Ganges, and George Washington, of twenty-four guns each. The two last were merchantmen purchased and converted to warlike use; all the others were built for the service. There were nearly twenty others of smaller size. February 25, 1799, an act was passed authorizing six ships of the line, of not

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less than seventy-four guns each, and six eighteen-gun sloops of war; but unfortunately these provisions of the act were never carried out. The same act placed on the naval establishment such revenue cutters as had been increased in force; there were eight of these cutters.[1]

As a rule vessels carried more guns than the number indicated by the rate; forty-four gun frigates carried fifty or more guns.[2] The main battery of the larger frigates consisted of twenty-four pound guns; in the thirty-six gun ships these were exchanged later for eighteen pounders. The lighter frigates — the twenty-eights and thirty-twos — carried twelve pounders; while nine pounders were the heaviest guns on vessels rating from eighteen to twenty-four, and six pounders on the smaller brigs and schooners. These were all long guns, heavy and strong, and able to endure a relatively large charge of powder, which threw a shot a good distance with considerable force. The twenty-four pounders were eight feet long and weighed forty-five hundred pounds. Carronades were not used in the United States navy before 1799, being first placed, it is said, on the Constellation. These were light, short guns of large calibre, with a very limited range, as only a light charge of powder could be used in them;

[1] *Statutes at Large*, vol. i, pp. 547, 552, 556, 569, 575, 608, 621; *Nav. Chron.* pp. 79–87, 90, 113; *Nav. Aff.* vol. i, pp. 57, 58, 65, 68; *Emmons*, pp. 6–9; *Gen. Letters*, vol. i, 54, 163.

[2] The rates here given are taken from *Emmons*, and sometimes differ from those of other authorities.

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but as they threw a heavy shot they were very effective within their range. Officers and cannoneers were directed by the navy regulations "to pay the greatest attention to the manner in which they charge their pieces, so as not to expose them to be burst by too great loads; they will watch, in consequence, that there be put in at the same time but one round ball and one chained ball, or one round ball and one packet of case-shot, or two round balls, according to the distance at which the enemy fight." The weight of shot varied, and Cooper found upon investigation that French shot were considerably heavier than American shot of the same denomination. It is necessary to allow for this if attempting to make an accurate estimate of the relative force of different ships.[1]

To supplement the activity of the navy in the defense of the country, private enterprise was stimulated by issuing letters of marque. The act of June 25, 1798, provided that merchant vessels, while acting purely on the defensive, might "repel by force any assault" committed upon them by French cruisers or privateers, capture the aggressors, and recapture American vessels which had been taken by the French. Such licensed vessels were to act under instructions of the President, which they were to receive from the collectors of ports. The act of July 9 authorized the President

[1] *Nav. Aff.* vol. i, pp. 6, 35, 53-56; *Nav. Reg.* p. 26; *Cooper*, vol. i, pp. 344, 366. App. B.

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"to grant to the owners of private armed ships . . . special commissions; . . . and such private armed vessels, when duly commissioned, shall have the same license and authority for the subduing, seizing, and capturing any French armed vessels . . . as the public armed vessels may by law have." [1] Under this law three hundred and sixty-five private armed vessels were commissioned before March 1, 1799, of which one hundred and twenty-nine belonged in New England, mostly in Massachusetts, and over sixty in each of the states of New York, Pennsylvania, and Maryland, nearly all the rest coming from the South. Most of these vessels were merchantmen, armed merely for defense, and carried only a small force of men and guns. Their commissions gave them an authority which they might use on occasion, but they seldom fell in with vessels of equal or inferior force. The Americans probably had no real privateers in this war, because their legitimate occupation of preying upon the enemy's commerce was denied them, inasmuch as, under the acts of Congress, armed vessels only might be attacked; and also because the commerce of France had been nearly swept from the sea by the British.[2]

The act of July 1, 1797, prescribed for the government of the navy the regulations established in

[1] For a facsimile of one of these commissions, see Maclay's *American Privateers*, p. 218.

[2] *Statutes at Large*, vol. i, pp. 572, 578; *Nav. Chron.* p. 88; *Nav. Aff.* vol. i, p. 71. See *Ct. Claims Rep.* vol. xxii, pp. 427–440.

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1775, which had been drafted by the naval committee of the Continental Congress, and were chiefly the work of John Adams, based on British regulations. Not long afterwards, while the navy was still under the jurisdiction of the War Department, a more elaborate set of regulations was compiled. An act passed March 2, 1799, comprises rules and regulations to "be adopted and put in force for the government of the navy." The repeal of this act was provided for in that of April 23, 1800, which laid down a similar set of rules "for the better government of the navy."[1]

In addition to naval legislation, many acts were passed which had for their general purpose the strengthening of the country's defensive position. First in importance was the increase of the army. Three major-generals were appointed: Alexander Hamilton, Charles C. Pinckney, and Henry Knox. An unfortunate dispute arose as to their relative rank. General Washington wished them to stand in the order named. This would give seniority to Hamilton, in whose ability Washington placed especial confidence. President Adams proposed for them the same relative rank they had held in the Revolution, which would have reversed the order, making Knox senior, but he yielded in deference to Washington's wishes. Recruiting began, but progressed

[1] *Statutes at Large*, vol. i, pp. 525, 709, vol. ii, p. 45; Clark's *Naval History of the United States* (1814), vol. ii, p. 108; *Nav Reg.* pp. 3, 53; *Nav. Chron.* pp. 114, 150; *Nav. Inst.* September, 1905, p. 628.

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slowly. The army was not needed, for the fighting took place wholly upon the sea.[1] Other measures provided for calling out and equipping the militia, building coast defenses, and borrowing the money necessary for carrying out all these enterprises.[2]

Commercial intercourse with France and her dependencies was suspended.[3] War was not declared, but the capture of French armed vessels, the recapture of American vessels, the condemnation of French vessels and property taken, and retaliation under certain circumstances were authorized by Congress.[4]

The naval force of the United States, employed in the hostilities with France between 1798 and 1801, acquired under the provisions of the various acts of Congress just considered and otherwise, consisted of forty-five vessels. Of these twenty-one were built for the service, eleven were purchased, five captured during the war, and eight transferred from the Treasury Department. There were about as many other revenue cutters not transferred to the navy, but presumably held ready to be employed

[1] *Washington*, vol. xiv, pp. 29, 34, 40–46, 58–67, 92–107, 110–119; *Adams*, vol. viii, pp. 573–580, 587–590, 593, 600–604.

[2] *Statutes at Large* vol. i, pp. 521, 522, 552, 554, 555, 558, 569, 576, 604, 607, 725, 749.

[3] Acts of June 13, July 16, 1798, February 9, 1799, February 27, 1800, *Statutes at Large*, vol. i, pp. 565, 611, 613, vol. ii, p. 7; *Nav. Chron.* pp. 134, 148.

[4] Acts of May 28, June 25 and 28, July 9, 1798, March 3, 1799, *Statutes at Large*, vol. i, pp. 561, 572, 574, 578, 743; *Nav. Chron.* pp. 86, 88.

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in harbor defense if called upon. Nine galleys, built for the navy, were also ready for this kind of service. Of these various vessels three were rated as forty-four gun, and six as thirty-six gun frigates; one carried thirty-two and four carried twenty-eight guns each; there were six of twenty-four guns, six of twenty, and four of eighteen guns. The others were all small vessels.[1] The navy was manned by about seven hundred officers and five or six thousand men. This force was supplemented by about eleven hundred officers and men of the marine corps.

[1] See Appendix IV.

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CHAPTER V

THE OPENING OF HOSTILITIES

THE first vessel of the navy to get to sea in the spring of 1798 was the ship Ganges, 24, which sailed from Philadelphia May 24. "This day at 11 o'clock the Secretary of War, accompanied by Captain Barry, commander of the frigate United States, and Captain Dale, commander of the ship of war Ganges, went on board the latter ship, and delivered his orders to Captain Dale. On the secretary's leaving the ship, a salute was fired; immediately after which she weighed anchor, to proceed to her cruising station."[1] The Ganges was one of the vessels acquired by purchase; she had been an Indiaman, and Dale had been her commander in the merchant service. The orders he now received from the Secretary of War were limited, inasmuch as Congress had not yet authorized captures. He was directed to cruise between Long Island and the Virginia capes for the protection of waters within the jurisdiction of the United States. As soon as the act of May 28 was passed a pilot boat was dispatched to him, with the President's instructions of the same date. Under this first general order to commanders of the new navy Dale was "directed

[1] *Gazette of United States*, May 24, 1798.

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to seize, take, and bring into any port of the United States" any French armed vessel "which shall have committed, or which shall be found hovering on the coast of the United States for the purpose of committing, depredations on the vessels belonging to the citizens thereof"; and also to retake American vessels in the hands of the French. This cruise of the Ganges, which lasted several months, seems to have been uneventful.[1] About this time the question arose as to the relative rank of the captains first appointed, and pending the decision Dale obtained a furlough and in 1799 sailed for China in a letter of marque. He therefore took no further part in the war.[2]

In June the frigate Constellation, Captain Thomas Truxtun, and the Delaware, 20, Captain Stephen Decatur, were ordered to sea under the instructions of May 28. They were to cruise along the southern Atlantic coast. The Delaware was a small ship of one hundred and eighty tons, which had been purchased for the navy. Her commander had been a privateersman in the Revolution, and was the father of the afterwards famous Decatur, who was at this time a midshipman in the service. The Delaware sailed July 6, and the next morning learned from an American vessel that a French

[1] *Nav. Chron.* pp. 90–92; *Naval Correspondence in War Department*, 304; *Bulletin of New York Public Library*, September, 1907, Stoddert to Dale (July 13, 1798).

[2] Cooper's *American Naval Officers*, vol. ii, p. 259; see above, p. 49.

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privateer was cruising off shore. Not long after, four schooners were sighted, and Captain Decatur stood off as if he were a merchantman anxious to avoid them. One of them gave chase, but when near enough to discover the warlike character of the Delaware, attempted to escape. It was now Decatur's turn to pursue, and after a "pretty long chase" off the New Jersey shore he overhauled the fugitive in the evening, "close in with Egg Harbor." Several shot were fired at her before she surrendered. She proved to be the French privateer schooner Croyable, of twelve guns, from Cape François, having left that port June 19. Her captain's story was that he fled from the Delaware, supposing her to be British, and sought safety in Delaware Bay, being ignorant of a state of war between the United States and France. The prize was brought up the bay and her crew, fifty-three in number, were landed at Fort Mifflin. The Croyable had taken several American vessels. She was the first prize of the new navy, and was condemned and taken into the service, her name being changed to Retaliation.[1]

The Constellation appears to have met with no success in her first cruise, and made a second in August in company with the Baltimore, 20, Captain Isaac Phillips, under orders to proceed to Havana for

[1] *Nav. Chron.* p. 92; *Columbian Centinel*, July 14, 1798; *Boston Commercial Gazette*, August 2, 1798, with testimony taken in the prize court; *Letters to Secretary of War*, 1, 2 (July 9 and 10, 1798); *Pickering*, vol. ix, 19, 36.

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the protection of a fleet of sixty American merchantmen closely watched by French cruisers. These vessels were safely convoyed to their home ports.[1]

The frigate United States, Captain Barry, sailed early in July under orders dated the 3d, to cruise between Cape Henry and Nantucket. Charles Stewart, the famous commodore of later years, was one of the ship's lieutenants, and among the midshipmen were Richard Somers and Stephen Decatur, Jr. Captain Barry was at first limited to the instructions of May 28, but those of July 10, carrying out the act of Congress of the preceding day, reached him some time after sailing. This second general naval order came to him inclosed with a long letter from the Secretary of the Navy, dated July 11, giving minute directions as to his future movements. The act of July 9, authorizing the seizure of French armed vessels "within the jurisdictional limits of the United States or elsewhere on the high seas," made more extended operations possible, and the administration decided to send squadrons to the West Indies, where was the principal scene of naval activity and of the spoliation of American commerce. Barry was ordered to sail for a cruise among the Lesser Antilles in company with the Delaware, Captain Decatur, the Herald, 18, Captain Sever, and the revenue cutter Pickering, 14, Captain Chapman; he was also to request of the governor of Porto Rico the release of certain

[1] *Nav. Chron.* p. 93; *Phillips*, pp. 33, 34, 48, 49; *Barry*, p. 358.

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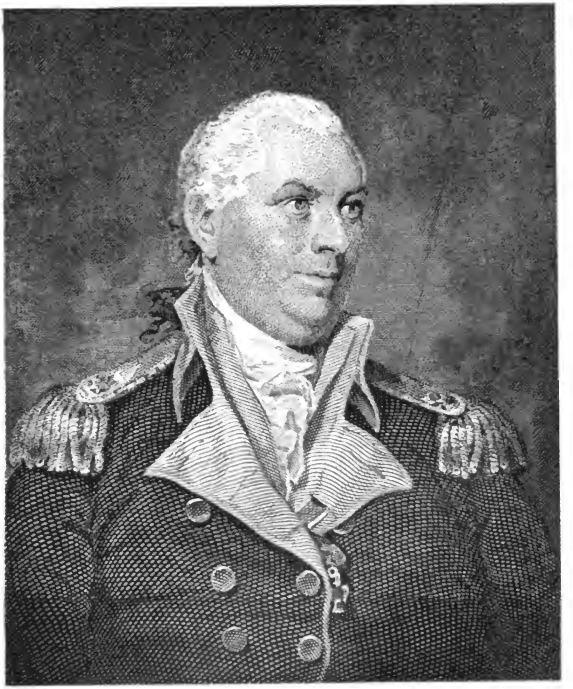

JOHN BARRY

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Americans held there, who had been captured by French cruisers. The United States and Delaware sailed for Boston, where they were to be joined by the Herald and Pickering. On the way to Cape Cod they fell in with a large ship, and the United States, signaling the Delaware to stand off, approached her. Both ships showed French colors and nearly came to blows before discovering each other's identity. The stranger proved to be a British fifty-gun ship. After that a system of private signals was established by which American and British vessels might recognize each other and avoid hostile collision. Barry then proceeded to Boston, and finding that the Herald and Pickering were not ready he set sail for the West Indies July 26, with the United States and Delaware.[1]

Although the hurricane season was approaching, Secretary Stoddert believed it important, even at some risk, to strike a blow at the French in the West Indies before their strength in those waters should be reinforced. In a letter to the President, written July 30, 1798, he says: "The hurricanes, I understand, are not so very dangerous as they are generally believed to be. It is not oftener than once in four or five years that much injury is done by them, and at such times the danger is partial and extends not beyond one or two Islands. Under such circumstances and impressed with the opinion

[1] *Nav. Chron.* pp. 88, 91, 92, 93; *Barry*, pp. 349–356; *Massachusetts Mercury*, July 24, 1798.

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that the American Navy should be taught to disregard problematic dangers and that our force should be employed while the French have but little force, in destroying what little they have and in producing a scarcity of provisions and the consequent discontent flowing from such a source, in their Islands, I have the honor, sir, to submit for your cousideration" an arrangement for sending successive expeditions to the West Indies, while at the same time maintaining the patrol of the Atlantic coast of the United States with an adequate force. New England would be guarded by the Herald and Pickering, the middle section by the Baltimore and two revenue cutters, and the southern coast by a frigate and two cutters. Meanwhile another frigate with the Montezuma, 20, would sail for the West Indies and relieve Barry, who would return home with the United States and Delaware; later the frigate on the southern coast would be sent to the West Indies with the Ganges. The general plan here proposed was carried out, though with changes of detail. The Constellation and Baltimore went to Havana soon after this, as has been seen, and later the Montezuma, with two smaller vessels, was sent to cruise among the Windward Islands. In his letter the secretary adds: "By keeping up incessant attacks on the French cruisers on their own ground they will, in a degree at least, be prevented from coming on ours."[1]

[1] *Barry*, pp. 356–358.

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Commodore Barry returned to Delaware Bay with his little squadron after a cruise of nearly two months, arriving at New Castle September 20. The Secretary of the Navy complained to the President of this early return, attributing it to fear of hurricanes. Yet in his instructions to Barry he had mentioned two months as the proper length of the cruise. The results of the expedition were disappointing to the naval commanders as well as to the secretary, for little had been accomplished but the capture of two small French privateers, the Sans Pareil and Jaloux. In the fall the United States patrolled the coast for a month, to the eastward, and the Delaware to the southward. The frigate sprung her bowsprit and was otherwise disabled in a severe gale, during which Lieutenant James Barron saved her masts, and possibly the ship too, by setting up the rigging, which had become dangerously slack, under great difficulties. The United States was now obliged to cut short her cruise and return to Delaware Bay, arriving at Chester November 9. The damage having been repaired, Barry received orders, dated December 7, to proceed with the United States to the West Indies and take command of a squadron to be employed there during the winter.[1]

On July 2, 1798, "precisely at 10 minutes before one o'clock, the frigate Constitution, Captain Nicholson, came to sail from her moorings off the Long

[1] *Barry*, pp. 358, 359, 361–364, 366–372; *Decatur*, pp. 26–29.

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Wharf. The wind was about West, a moderate breeze. She proceeded half the way to the Castle under her three topsails and fore-topmast stay-sail; after which the top gallant sails were set. She passed the Fort at 10 minutes after one, having run three miles against a strong tide; and a few moments subsequent came to anchor in King Road, just below Spectacle Island. In getting under way, a Federal Salute was given to the town; and on passing the Castle that fortress received and returned a salute. The beauty of her appearance on the water and the rapidity of her sailing is the subject of admiration and conversation by both foreigners and native citizens who are connoisseurs in naval excellence."[1] The frigate got to sea Sunday, July 22. "She has on board 388 young, well-built, healthy Americans. . . . Captain Nicholson merits great applause for his unwearied assiduity and unremitted endeavors to render her the pride of the American navy — and a pattern of the glorious palladium, whose name she bears."[2] Isaac Hull, under whose command she afterwards won the first of her famous victories in the War of 1812, was at this time one of her lieutenants.

After a month at sea the Constitution put into Newport August 21, where Captain Nicholson found the secretary's orders of the 13th directing him to cruise along the coast south of Cape Henry in com-

[1] *Mass. Mercury*, July 3, 1798.
[2] *Columbian Centinel*, July 25, 1798.

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SAMUEL NICHOLSON

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pany with four revenue cutters.[1] September 8 the frigate fell in with a twenty-four gun ship under English colors and boarded her. Her officers were French, but professed to be royalists; her crew was very mixed, with many French and Spanish, and her papers were unsatisfactory. Nicholson therefore concluded that she was French, and brought her into Norfolk as a prize. She turned out, however, to be an English privateer called the Niger, and the government was obliged to give her up and pay damages estimated at eleven thousand dollars.[2] From Norfolk the Constitution returned to her cruising ground. There she found the Baltimore which, after her convoy duty in company with the Constellation, had been ordered by Captain Truxtun to cruise off Charleston. Captain Nicholson now ordered the Baltimore to join him in convoying a fleet to Havana. Soon afterwards the Constitution, owing to an accident, bore away for Boston for repairs, leaving the Baltimore alone with the convoy.[3] November 10 the Constitution "arrived in President's Road, in the outer harbor; she having sprung her bowsprit near the Gulph of Florida, when convoying (at the request of the Naval Agent and merchants of the city of Charleston) a fleet of ten sail of merchantmen,

[1] *Nav. Chron.* p. 93; *Columbian Centinel*, August 11, September 1, 1798.

[2] *Gen. Letters*, vol. i, 270; *Pickering*, vol. ix, 386, 401, vol. xi, 477, vol. xxxvii, 342, 343, 345, 347, 359; *Boston Com. Gazette*, September 27, 1798; *Mass. Mercury*, September 28, November 20, 1798.

[3] *Phillips*, pp. 49, 111, 112.

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for the Havannah. Since the Constitution left this port she has completely scoured the coast. Captain Nicholson's first orders were to cruise from George's Bank to Sandy Hook; his second, from Sandy Hook to the Capes of Virginia; and his third, from the Capes of Virginia to St. Mary's River, to protect the American commerce and to capture all French cruisers. The ship sails remarkably fast; the crew perfectly happy; the commander held in high estimation, and she has not a sick man on board."[1] The frigate was ready for sea in December, and was ordered to join Commodore Barry's squadron in the West Indies. She sailed early in January.[2]

In September, 1798, the ship Montezuma, 20, a converted merchantman, was ordered to the West Indies under the command of Captain Alexander Murray, who had been a lieutenant in the Revolutionary navy. With her went the brig Norfolk, 18, a vessel built for the service and commanded by Captain Thomas Williams, and the prize schooner Retaliation, 14, Lieutenant William Bainbridge. This little squadron sailed from Norfolk, October 25, under instructions to cruise about Guadeloupe, St. Martin, and Porto Rico for the protection of commerce. They fell in with a number of British frigates and recaptured an American brig from the French. Before dawn, November 20, off Guade-

[1] *Columbian Centinel*, November 14, 1798; *Mass. Mercury*, November 13, 1798.

[2] *Nav. Chron.* p. 94; *Columbian Centinel*, December 12, 1798, January 5, 1799.

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loupe, two sail were sighted in the west, and Captain Murray had begun to give chase when three vessels were seen to the eastward. "As daylight appeared we found we were meeting two large frigates and a three masted lugger; the Retaliation and the prize a little ahead of them were standing for us. We bore up for the Retaliation and hailed her, and was informed by Captain Bainbridge that they were the English frigates we had seen the day before. Fortunately we saw at that instant the two sail we had chased a little before to leeward, and we put about to pursue them; the frigates standing after us and nearly within gunshot. We crowded a press of sail after the chase, and not knowing what to make of the frigates we hoisted private signals, which were not noticed; we then hoisted the American flag — still saw no colors — but crowding sail after us, and we presumed chasing the same vessels which we were. The Retaliation then dropped unsuspicious with her prize (or rather could not avoid them) close under their guns, when the headmost frigate fired into her, and we saw her haul down her pendant while the prize was suffered to keep up her ensign." [1]

When the Montezuma and Norfolk had departed in pursuit of the two sail in the west, Bainbridge, left alone, had made the signals agreed upon by American and English commanders, by which

[1] *Nav. Chron.* pp. 93, 94, 127; *Columbian Centinel*, November 10, 1798; *Mass. Mercury*, January 29, 1799, Murray to Secretary of Navy (November 23, 1798).

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they were to recognize each other. Although the strangers to the eastward were unable to answer his signals, he still believed them to be Englishmen. He did not discover his mistake until two of the ships, which proved to be French frigates, had approached so near that it was impossible for him to escape. One of them, the Insurgente, 36, hoisted French colors and fired into the Retaliation, while the other, the flagship Volontaire, 44, ordered Bainbridge on board. He had no alternative, and accordingly struck his colors, went on board the Volontaire, and surrendered to Commodore St. Laurent, the ranking French officer. Meanwhile the Insurgente had immediately sailed in pursuit of the Montezuma and Norfolk. The chase was watched with interest from the deck of the Volontaire, and Commodore St. Laurent inquired of Bainbridge the force of the American vessels. Without hesitation, Bainbridge greatly overstated the number and weight of their guns, which induced the Commodore to hoist a signal for the recall of the Insurgente. The chase was thereupon abandoned, to the great vexation and disappointment of Captain Barreaut of the Insurgente. In the discussion and explanation which followed, the deception practiced by Bainbridge was exposed, but in spite of his chagrin the commodore appeared to regard it as a justifiable ruse. It was too late to renew the chase, and the American vessels escaped.[1]

[1] *Nav. Chron.* pp. 127–130; *Bainbridge*, pp. 25–27.

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The frigates had just arrived in West Indian waters from France, by way of Cayenne, bound for Guadeloupe. On the Volontaire was General Desfourneaux, who had come out to relieve Victor Hugues as governor; Hugues was soon after sent back to France under arrest. The Volontaire and Insurgente proceeded on their way to Guadeloupe, taking the Retaliation and the prize brig with them, and anchored off Basse Terre the next day. The American officers were retained on the French frigates, while the crew of the Retaliation were sent ashore to a prison where many American seamen were confined in a deplorable condition through ill treatment and starvation. Bainbridge was allowed to go ashore on parole, and with some difficulty and delay succeeded in procuring from General Desfourneaux an order for better treatment of the prisoners, which, however, effected only partial relief. Desfourneaux attempted to involve Bainbridge in a scheme for the neutralization of Guadeloupe, but he had no authority to treat on the subject and no disposition to accede to the conditions proposed by the governor. Bainbridge and all the other American prisoners, nearly two hundred and fifty in number, were subsequently released and sent back to the United States.[1]

Meanwhile the Montezuma and Norfolk, having escaped from the French frigates, continued their

[1] *Nav. Chron.* pp. 128–130; *Bainbridge*, pp. 27–35; *Gazette of United States*, February 20, 1799.

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chase of the vessels they had sighted in the morning, and at length overhauled and captured the sternmost of them. She proved to be an American schooner which had been taken by the French. They then made for Antigua, and had been there but a short time when the prize brig that had been left with the Retaliation arrived. Her crew had not been landed with the other American prisoners at Guadeloupe, and had recaptured the vessel and escaped with her. November 29 the little squadron was at St. Thomas, where Murray landed eighteen prisoners, taking a receipt for them from the French consul, and collected a convoy of merchantmen. He reported to the Secretary of the Navy that it was his intention to conduct them far enough on their homeward voyage to be clear of the French, and then to run to windward, which he considered the best cruising station. He also reported that there were a hundred and fifty French privateers from Guadeloupe in adjacent waters, mostly small brigs and schooners. It was very difficult to catch them because of the ease with which they could escape into shallow water, but by vigilant cruising in the neighborhood they could be kept inshore and thereby rendered comparatively harmless.[1]

November 16, off Havana, the Baltimore, Captain Phillips, experienced one of those flagrant instances of British arrogance which the little American navy of those days was called upon, from time

[1] *Mass. Mercury*, January 29, 1799.

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to time, to endure. The mortifying features of such incidents were generally due in great measure to the lack of spirit of the particular American commander implicated. The most famous case is that of the Chesapeake in 1807, fired upon by the British ship Leopard and unprepared to resist. Other instances, in which Americans defied the assumed authority of Englishmen backed by superior force, are less well known, but they should not be forgotten.[1]

Upon the departure of the Constitution for Boston, after having sprung her bowsprit, the Baltimore, left alone with the convoy from Charleston, proceeded on the voyage to Havana.[2] They had nearly reached that port, early in the morning of November 16, when a British squadron of three ships of the line and two frigates hove in sight. Captain Phillips, fearing possible detention and delay, signaled his convoy to make all sail in order to get into Havana as soon as practicable. All the vessels except three made the port without molestation; these three were detained, but afterwards released. Meanwhile the Baltimore had approached the British flagship, in order, as Captain Phillips says, to divert her attention from the fleet under his charge. On the invitation of the English commodore, Phillips went on board the flagship. The

[1] For cases of Americans resisting British arrogance, see *Porter*, pp. 10, 67; *Bainbridge*, pp. 21, 22; *Perry*, vol. i, pp. 46, 87–89; *Morris*, pp. 38, 44; *Hollis*, pp. 127–130.

[2] See above, p. 71.

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commodore informed him that he intended to impress such of the Baltimore's crew as could not produce American protections, that is, papers proving citizenship. Phillips, after protesting against such action, returned to his ship, where he found a British officer had arrived during his absence, had mustered the crew, and had the Baltimore's muster roll in his hand, having been allowed to do this by the first lieutenant. Phillips took the muster roll from the officer and ordered his crew to quarters, requesting time to consider what he should do; but finally allowed the English officer to take away fifty-five of his crew, at the same time hauling down his flag. This action he defended on the ground that his instructions were explicit, that "the vessels of every other nation [except France] are on no account to be molested"; but it is clear that this was not intended to restrain a national vessel from resenting an insult to the flag. The case was complicated by the fact that Phillips's commission had never been delivered to him, which gave him an anomalous standing. Owing to the haste and confusion in the Navy Department at that time, this important document had been mislaid or missent; but he had with him letters and orders from the department which should have been sufficient to establish the character of his ship and his own position. Nevertheless this irregularity disturbed his peace of mind, and for this reason he had emphatically protested against being separated from a

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superior officer, when successively left alone by Truxtun and Nicholson.[1]

The British commodore paid no attention to Captain Phillips's surrender, and a little later sent back fifty of the men, apparently fearing his own government's disapproval of such wholesale impressment. He then proposed to exchange certain Americans in his squadron, presumably impressed from other vessels, for an equal number of Englishmen in the Baltimore's crew; but this proposal was rejected by Phillips, who of course had no right to give up any of his men, regularly enlisted, whatever their nationality might be. The Baltimore, having collected a convoy of homeward bound vessels, returned to the United States, putting into Chesapeake Bay. Captain Phillips proceeded at once to Philadelphia and reported the affair to the Secretary of the Navy. It had also been reported by the American consul at Havana, and on December 29 the following circular, the third general order to commanding officers, was issued: "It is the positive command of the President, that on no pretense whatever you permit the public vessel of war under your command to be detained or searched, nor any of the officers or men belonging to her to be taken from her by the ships or vessels of any foreign nation, so long as you are in a capacity

[1] *Nav. Chron.* ch. vi; *Phillips*, pp. 33–40, 48–59, 69–73, 111–114; *St. Pap.* vol. iv, pp. 149–153; *Gen. Letters*, vol. i, 492; *Pickering*, vol. x, 178.

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to repel such outrage on the honor of the American flag. If force should be exerted to compel your submission, you are to resist that force to the utmost of your power, and when overpowered by superior force you are to strike your flag and thus yield your vessel as well as your men, but never your men without your vessel." [1] Soon after this, January 10, 1799, Phillips was summarily dismissed from the service. On January 16 the fourth general order was issued by the Navy Department, defining more clearly than the instructions which had misled Phillips the conduct to be observed in the matter of search, saying that "it will not be lawful for you to prevent merchant vessels, although under your convoy, from being searched or detained by the vessels of any of the powers at war, except the French." [2]

Captain Phillips showed lack of spirit on this occasion, but it surely was a trying situation for a man to find himself in, recently graduated from the merchant marine and without naval training and tradition, other than privateering service in the Revolution, to guide him. He should have ordered the English officer away from his ship, thereby placing upon the commodore the responsibility of using force. It is unlikely that he would have gone to the extreme of firing upon the Baltimore, and probably would have retracted his demands or let

[1] *Nav. Chron.* p. 124; *St. Pap.* vol. iv, p. 152.
[2] *Nav. Chron.* p. 125.

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the matter drop. This was the result in certain other similar cases. Nevertheless, it is doubtful if summary dismissal without a hearing is ever justifiable in the absence of emergency. It would seem, moreover, from a study of the evidence, that neither the President nor the Secretary of the Navy had an intimate knowledge of all the circumstances of the case. Phillips should have been allowed a court-martial.[1]

As winter approached, the likelihood of Frenchmen cruising off the Atlantic coast diminished, and it was deemed safe and expedient to relax watchfulness in this quarter and to concentrate the naval forces of the country in the enemy's waters. Accordingly, in December, 1798, a comprehensive scheme for the disposition of the fleet was worked out in the Navy Department, by which four squadrons were to be stationed in the West Indies, two of them to the eastward of Porto Rico and two in Cuban waters. To these squadrons were assigned twenty-one vessels, the whole force of the navy then in commission except one, the Montezuma. Commodore Barry's squadron was the largest and most powerful, including the heavy frigates United States and Constitution, the ships George Washington, Captain Fletcher, Merrimack, Captain Brown, and Portsmouth, Captain McNeill, of twenty-four guns each, and the Herald, Captain Russell, with four revenue cutters. One of the latter was the Pickering,

[1] For remarks on this subject, see *Cooper*, vol. i, pp. 324-336.

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commanded by Lieutenant Edward Preble, the famous commodore of later days. The other cutters were the Eagle, Scammel, and Diligence. Barry was to cruise to the windward of St. Christopher as far as Barbadoes and Tobago, giving attention to points even as distant as Cayenne and Curaçao, and to rendezvous at Prince Rupert's Bay on the island of Dominica. In his orders of December 7 he was informed "where the vessels not under your immediate command will be employed, that you may apprise any of the divisions of danger beyond their strength to resist, reinforce them, or if occasion should require it, order them to join you or proceed to the United States." If "encumbered with prisoners, your first effort must be to exchange them for our own citizens in the hands of the French,"—even upon disadvantageous terms, rather "than suffer our meritorious seamen to remain in their hands." Barry was admonished that "a spirit of enterprise and adventure cannot be too much encouraged in the officers under your command, nor can too many opportunities be afforded the enterprising to distinguish themselves. We have nothing to dread but inactivity. The French can have no force in the West Indies this winter equal to ours, which is thought to be sufficient to rid those seas as well of French commissioned armed vessels as of the pirates which infest them; and it is with you to lay your country under obligations by rendering this important service and by exciting among the officers and men a

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high degree of zeal for the honor of the American Navy."[1]

Commodore Truxtun was ordered to cruise between St. Christopher, his rendezvous, and Porto Rico. Besides his own ship, the Constellation, there were assigned to him the Baltimore, Captain Samuel Barron, the brigs Richmond and Norfolk, and the revenue cutter Virginia. Commodore Thomas Tingey, with the Ganges, the brig Pinckney, and the revenue cutter South Carolina, was stationed in the Windward Passage, between Cuba and Haiti. The Delaware and two revenue cutters, the Governor Jay and General Greene, with Captain Decatur as senior officer, were designated for the protection of American interests off the north coast of Cuba, between Havana and Matanzas. In these dispositions Captain Murray, with the Montezuma, having lost the Retaliation by capture and the Norfolk by assignment to Commodore Truxtun's squadron, was left alone and was allowed to cruise independently. At the time these orders for the winter campaign were issued, many of the vessels were not ready for sea, and so did not arrive on their stations until later.[2]

The effect of these defensive measures of the government was very considerable. After the appearance of American armed vessels on the sea, the rate of marine insurance to foreign ports fell in a

[1] *Nav. Chron.* p. 94; *Barry*, pp. 368–370.
[2] *Nav. Chron.* pp. 94, 95.

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marked degree. It was estimated that more than eight and a half million dollars was saved in insurance during this first year. The whole cost of the navy from 1794 to the end of 1798 was about two and a half million dollars. The saving in insurance was of course only part of the gain. The commerce of the country, which without naval protection would have been nearly ruined, was soon in a flourishing condition. Confidence was restored, and people felt that the honor of the country was redeemed.[1]

In his report of December 29, 1798, Secretary Stoddert says: "The protection of our coast, the security of our extensive country from invasion in some of its weaker parts, the safety of our important commerce, and our future peace, when the maritime nations of Europe war with each other, all seem to demand that our naval force should be augmented; so much augmented indeed as to make the most powerful nations desire our friendship — the most unprincipled respect our neutrality. The peaceful character of America will afford to the world sufficient security that we shall not be easily provoked to carry the war into the country of an enemy; and it well becomes the wisdom of America to provide a cheap defense to keep it from our own. Twelve ships of seventy-four guns, as many frigates, and twenty or thirty smaller vessels would probably be found (our geographical situation and our means of annoying the trade of the maritime powers consid-

[1] *Nav. Chron.* pp. 109–112.

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ered) a force sufficient to insure our future peace with the nations of Europe. It would not perhaps be hazarding too much to say that, had we possessed this force a few years ago, we should not have lost by depredations on our trade four times the sum necessary to have created and maintained it during the whole time the war has existed in Europe. If we do not profit by experience and put ourselves in a situation to resent insult and punish aggression, nothing is more likely than that in less than half a dozen years another occasion may be presented for a repetition of the same mortifying observation." The secretary advised immediate provision for twelve seventy-fours and six brigs or schooners to carry eighteen guns each; also docks for repairing ships. He believed that the smaller vessels "would be highly useful in scouring the West Indies." The effect of this report was seen in the acts of February 25, 1799, authorizing six of each of these two classes of vessels and two docks, as well as making other provisions for the benefit of the navy.[1]

Unfortunately the vessels and docks then authorized were not built; but by a liberal construction of the act Stoddert negotiated for the purchase of land for shipyards in which to build the seventy-fours. This measure was practically completed by the time he left office, and resulted in securing the

[1] *Nav. Chron.* ch. v; *Nav. Aff.* vol. i, pp. 65–70; *Statutes at Large*, vol. i, pp. 621, 622.

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sites of what have become the most important navy yards on the Atlantic coast.[1]

The popular interest in naval affairs at this time is indicated in a letter of Secretary Stoddert to Commodore Barry: "They [Congress] are disposed to do more for the advantage of the navy, but are afraid of going too fast, wishing public opinion to go along with them. It is very certain, however, that public opinion is getting more and more in favor of the Navy."[2] Addresses of both houses of Congress to the President in December, 1798, express this sentiment.[3]

[1] *Nav. Inst.* September, 1906, pp. 1024–1029; *Letters to President*, 77, 83.

[2] *Barry*, p. 377.

[3] *Richardson*, vol. i, pp. 276, 278.

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CHAPTER VI

EVENTS OF 1799

THE year 1799 opened with a respectable United States naval force upon the sea, an achievement of some moment when it is considered that much less than a year before there had been not a single national vessel in commission, except a few little revenue cutters and the brig Sophia, a dispatch boat belonging to the State Department.

Lieutenant Bainbridge left Guadeloupe in the Retaliation January 18,[1] accompanied by an agent of Governor Desfourneaux, who bore a letter from the governor to the President of the United States. It required two other vessels as cartels to convey all the prisoners. They arrived at Philadelphia February 13. The Retaliation was not a cartel, but with her crew reduced to forty was put under the command of Bainbridge, although he protested that he was a prisoner of war and that a French officer should be in command. The governor, however, forced his compliance with this arrangement. Desfourneaux professed to be influenced solely by philanthropy in sending home these captives, expecting no French prisoners in return, on the ground that only in case of a regularly declared war could

[1] See above, p. 75.

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an exchange of prisoners be effected. In his letter to the President he said that Guadeloupe privateers were to cruise only against enemies and that Americans would be well treated; and further, that the Retaliation would have been released at once had it not been necessary to lay an embargo. "The citizens of the United States may come and exchange their produce," he said, and "will be considered and treated like allies." Desfourneaux's declarations of friendship were commonly thought insincere, although in the opposition party the contrary opinion prevailed. The ill-treatment of prisoners and the depredations of the Guadeloupe privateers had continued many weeks after the governor had assumed control of affairs. His desire for the neutrality of his island and for American trade was believed to have its origin in a hope of private gain rather than of international comity. The sufferings of American prisoners and the impressment of some of them into the French naval service excited resentment in the United States, and led to the passage of an act on March 3, 1799, which required the President "to cause the most rigorous retaliation to be executed on any such citizens of the French Republic" as might fall into American hands. French prisoners in the United States also complained of their treatment. It was said that they suffered from cold, hunger, lack of cooking utensils and of sanitary arrangements. The Secretary of the Navy, in response to inquiry, reported

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to Congress, December 24, 1799, that the prisoners' ration was never less than one pound each of bread and vegetables and half a pound of meat, and they were furnished with clothing and blankets and fuel in season. Officers were allowed to commute their rations and also to depart from the United States on parole. From the first it had been the policy of the administration to exchange prisoners whenever possible, and when not possible they were often released, receipts being taken for them from French consuls or other responsible persons. Towards the end of March the Retaliation was sent back to Guadeloupe with French prisoners in exchange for the Americans, and with a letter from the Secretary of State to Desfourneaux saying that intercourse would be resumed with any island in the West Indies when the privateers of that island ceased their depredations.[1]

The frigate United States, wearing the broad pennant of the senior officer of the navy, Commodore Barry, cruised upon her station among the

[1] *Bainbridge*, pp. 29–35; *Barry*, pp. 359, 360, 367, 370; *Statutes at Large*, vol. i, p. 743; *Jefferson*, vol. vii, p. 357, Letter to E. Pendleton (February 14, 1799), p. 361, to Madison (February 19, 1799); *Gazette of U. S.* February 20, 1799, Bainbridge to Stoddert (January 3 and 7, February 10, 1799) and Correspondence with Desfourneaux; *Mass. Mercury*, February 15, 1799, Desfourneaux to President (December 15, 1798); *Connecticut Courant*, February 25, March 18, 1799; *Pickering*, vol. x, 488, Pickering to Desfourneaux (March 16, 1799), 643, vol. xi, 183, vol. xxxvii, 365; *Gen. Letters*, vol. ii, 194; *Letters to Congress*, 29, Stoddert to Speaker of House of Representatives (December 24, 1799).

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Windward Islands until spring. A storeship, with provisions for the squadron, was soon sent out from Boston. Early in February the frigate discovered a small French privateer, the pursuit of which is described by an officer on board the United States, thought to be Midshipman Decatur. "On Sunday, the 3d inst., to windward of Martinique, at 8 A. M. gave chase to a schooner, and at 3 P. M. came within two gun shots of her, when, to the astonishment of all hands, she attempted by short stretches to get to windward of us directly under our battery, but in this she failed, for we soon brought her to, our third shot having gone effectually through her, and in a few minutes she filled with water, upon which they hauled down their sails and set up the most lamentable howl I ever heard. . . . Our boats were immediately sent to their relief. I was in the first; when I came near and found the crew all stript and ready for a swim, I thought it not safe to go on board, but told them the only chance for their safety was to run alongside the ship, which they did, and in a few minutes after the schooner went down. The whole of this crew were saved, amounting to 60 men." [1] This vessel was called the Amour de la Patrie, and she carried only six guns. At about the same time, probably, the United States fell in with another small privateer and captured her; she was the Tartuffe of eight guns and sixty men. Commodore Barry now had with him a considerable num-

[1] *Mass. Mercury*, March 26, 1799.

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THE FRIGATE UNITED STATES

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ber of prisoners, and hoped by means of exchange to release an equal number of American seamen from captivity. Accordingly he ran into Basse Terre roads, Guadeloupe, under a flag of truce. Captain Murray in the Montezuma, who happened to be in the vicinity just at that time convoying a fleet of merchantmen, in a report to the Navy Department, February 20, says: "I parted with Com. Barry off the road of Bassaterre, where he sent his boat with a flag to endeavor to negociate an exchange of prisoners he took up from the privateer he sunk off Martinico, which he will inform you of, but the fort fired on them and would not let them land."[1] Thereupon Barry hauled down his white flag and bombarded the fort in return. February 26, the United States captured an English prize of the French privateer Democrat, but the latter escaped. An American prize also was recaptured. Barry made another attempt to exchange prisoners, sending a flag of truce to Guadeloupe. Governor Desfourneax assured Barry that there were no Americans on the Island and had not been since Bainbridge and his fellow prisoners had departed, except a few who remained from choice and the crew of an American ship recently brought in who were to be released. Barry was skeptical as to this statement, but he put his French prisoners ashore, wishing to get them off his hands. The governor maintained that he did not recognize a condition of war as exist-

[1] *Mass. Mercury*, March 29, 1799.

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ing, and that Guadeloupe was open to American trade.[1]

The ship Merrimack, 24, Captain Moses Brown, arrived at the rendezvous in Prince Rupert's Bay January 20. This vessel had recently been built for the service at Newburyport, with a fund raised by citizens under the act of June 30, 1798. She was the first of four ships of the same name on the United States navy list, a name afterwards made famous at Hampton Roads and at Santiago de Cuba. She sailed from Boston January 3, and a few days after her arrival on the station fell in with her flagship, the United States. Commodore Barry sent her back to the United States with a large convoy of merchantmen. During the homeward voyage of this fleet they fell in with several English armed vessels, but were not much disturbed by the French. From St. Christopher they were accompanied a short distance by the Montezuma. Convoy duty was subject to many difficulties and annoyances, due to the insubordination of the shipmasters, the varying sailing qualities of the ships, and other causes. Brown wrote to Barry, February 16: "Our Countrymen want Convoy but pay no attention to keep with it and such tubs as some of them are under my convoy I never saw, and they are sure to spread each night as far as possible to see them."[2] Strange vessels not infrequently found their way into the fleet during

[1] *Decatur*, pp. 31–34; *Barry*, pp. 377, 378, 383–387.
[2] *Barry*, p. 380.

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THE CONSTELLATION CHASING THE INSURGENTE

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the night without attracting attention. The possibility of an enemy's doing this made extreme vigilance necessary. Having escorted the merchantmen to a point beyond danger of molestation, the Merrimack left them on February 28 and returned to the West Indies, arriving at Prince Rupert's Bay again March 11.[1]

Commodore Truxtun cruised in the Constellation with his squadron among the Leeward Islands several weeks before anything worthy of record took place; but he was destined to win the largest share of the glory to be achieved by the navy in this war and had not long to wait for the first of his laurels. The events of February 9 off the island of Nevis are best told in the words of the leading actors. On the following day Truxtun wrote to the Secretary of the Navy: "At noon, the island bearing W. S. W. five leagues distance, discovered a large ship to southward, on which I bore down. She hoisted American colors and I made our private signals for the day, as well as that of the British, but finding she answered neither, I immediately suspected her to be an enemy and in a short time after found that my suspicions were well founded, for she hoisted the French national colors and fired a gun to windward, which is a signal of an enemy. I continued bearing down on her and at a quarter past three P. M. she hailed me several times, and as soon as I got in a position for every shot to do execution I answered

[1] *Brown*, ch. xii, xiii, xiv; *Mass. Mercury*, March 29, 1799.

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by commencing a close and successful engagement which lasted until about half past four P. M., when she struck her colors to the United States ship Constellation and I immediately took possession of her. She proved to be the celebrated French national frigate Insurgente of 40 guns and 409 men, lately out from France, commanded by Monsieur Barreaut, and is esteemed one of the fastest sailing ships in the French navy. I have been much shattered in my rigging and sails and my foretopmast rendered, from wounds, useless; you may depend the enemy is not less so. . . . I must not omit in this hasty detail to do justice to Monsieur Barreaut, for he defended his ship manfully, and from my raking him several times fore and aft and being athwart his stern, ready with every gun to fire when he struck his colors, we may impute the conflict not being more bloody on our side; for had not these advantages been taken the engagement would not have ended so soon, for the Insurgente was completely officered and manned." [1]

The first lieutenant of the Constellation, John Rodgers, in a letter written February 15, gives some further details of the battle. "At 2 P. M. the chase carried away her main-topmast and bore away before the wind for a short time, after which, finding we continued the chase, she hauled up within eight points of the wind on the starboard tack. At a quarter past 3 P. M. it blowing extremely hard, and

[1] *Naval Temple*, pp. 262, 263; *Nav. Chron.* pp. 130, 131.

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our ship being rather crank, we ran close under the enemy's lee, for the sake of working our guns with more facility. As soon as we got abreast of the enemy she hailed several times, but no answer was given. The Commodore ordered myself with the other lieutenants commanding divisions to fire directly into the hull, as soon as we could bring our guns to bear, and to load with two round shot principally, during the action. All the orders being complied with, we raked her several times in the course of the action, which went on to our most sanguine expectations."[1]

In his official report to Governor Desfourneaux Captain Barreaut says: "The 21st Pluviose, about three leagues off the northeast point of Nevis, which then bore N. W. by N., the wind east, the lookout called at 12.30 P. M. that there was a sail to the windward of us. I continued my course for another half hour; then, having mounted the foreyard with Citizen Petit Pierre, I saw that the stranger was making for us. I then kept away to the northwest with the intention of running between Saba and St. Kitts, but this vessel in approaching appeared to me and to all on the yards to be a corvette from the trim of her sails." Barreaut at first mistook the Constellation for an English ship. His report goes on: "I believed it was the moment to show our haughty enemies that, in spite of the superiority of their forces, vessels of war might still be captured

[1] *Mass. Mercury*, March 22, 1799.

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from them. I wished also to inspire confidence in my crew and I hauled by the wind, every one burning with ardor for the fight. At one o'clock I went about on the same tack as this vessel, which continued to chase us, and at 1.30 P. M., in a squall in which the topgallant sails were taken in, the Citizen Durand then commanding the manœuvre, the main-topmast fell — source of all our misfortune. Immediately, upon the advice of the coasting pilot, I steered to the N. W. by N. to make St. Eustatius if I had time to gain the anchorage. The vessel, which I could see was a frigate, chased me. I had hoisted the American flag; she signaled me and also hoisted an American flag.

"I found myself in a position to no longer avoid an engagement, and as the stranger still pursued me it became necessary to ascertain her nationality. I therefore lowered the American flag and hoisted French colors with pennant, which I confirmed by a cannon shot to leeward. She hoisted her broad pennant with the American flag without confirming. I doubted yet that she was an American. I was much embarrassed by your orders, which were not to fire on the American flag. Thus an English frigate could easily have made use of this flag while chasing us, thereby avoiding the fire of our 18-pounder, with which we could have seriously injured her during the hour and a half she was overtaking us and thus have given me time to save myself. . . . Having lost my main-topmast I gave the advantage

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to a frigate of double my strength in letting her approach within pistol shot before defending myself. I was thus obliged to receive a full broadside from a frigate of 24 and 12-pounders deliberately aimed at pistol shot, which broadside made terrible havoc in my quarter-deck.

"At three o'clock the combat began. Judge of my surprise on finding myself fought by an American frigate after all the friendship and protection accorded to the United States. My indignation was at its height. As soon as my first broadside was fired I cried, and with all the men on the quarter-deck and forecastle, 'Stand by to board!' My cabin was invaded to get arms, and I ran to the helm to luff her in order to run aboard the American frigate. L'Insurgente obeyed the first impulse, but as she was without sails amidships and as we were not able to move the others quickly enough, the American frigate had time to run ahead of us, and having all her sails set she was beyond us, which compelled us to man the other battery. My only remaining resource were my guns and an 18-pounder of the port battery, and manœuvring with much difficulty we fired three broadsides. The American frigate now seemed to suspend her fire and I ordered Citizen Jourdan to suspend ours, thinking that the American captain might still be considering his conduct. But he again opened on us, so I gave orders to fire also. This frigate did not remain abeam of us, but sought by every

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means to take advantageous positions and completely to dismantle us. I endeavored to repair the rigging. The mizzen-topmast had fallen in the top, the spanker was completely riddled. All that I could do was to take it in. The braces, fore-bowlines and fore-topsails were completely cut through, our topmen without doubt killed, as they did not reply; the master did not appear upon the bridge, no quartermasters were left, only a bridgeman and the masters. All I could do was to give the order to Citizen Sire to square everything; the only after-sail was the mizzen. The American frigate still having all her sails, which were only slightly injured, and moving very easily, was at pistol range ahead of us. Finally as my position was hopeless it soon became necessary to surrender to very superior forces." [1]

The injury to the Constellation's fore-topmast, mentioned in Truxtun's report, was done by an 18-pound ball from the Insurgente, which struck the mast just above the cap. Midshipman David Porter, who was stationed in the foretop, seeing that the weakened mast was in danger of falling, hailed the deck for instructions, but was unheard in the din of battle. With good judgment and on his own responsibility he thereupon went aloft, cut the slings, lowered the yard, and so saved the mast by relieving it of the pressure of the topsail.[2]

[1] *Maclay*, vol. i, pp. 183–186.
[2] *Nav. Chron.* p. 133.

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Porter afterwards became a famous commodore in the war of 1812 and the father of Admiral Porter.

The Constellation and Insurgente were both rated as thirty-six gun frigates, but the armament of the two ships differed materially. The Constellation carried twenty-eight long twenty-four pounders on her gun deck, while on the quarter-deck and forecastle were mounted ten long twelve pounders. According to Truxtun the Insurgente's armament was composed of forty guns: twenty-four twelve pounders, two eighteens, and eight sixes, all long guns; also four thirty-six pounders and two twenty-fours,[1] these last six guns doubtless carronades. Although she mounted two more guns than the Constellation, her broadside was only two hundred and eighty-two pounds as compared with three hundred and ninety-six pounds for the American; but the disparity was less than the figures indicate, for the excessive weight of French shot would add over twenty pounds to the Insurgente's broadside.[2] The crew of the Constellation numbered three hundred and nine, that of the Insurgente four hundred and nine. The larger crew of the latter was of no advantage under the circumstances, but would have been if she had been able to get alongside and board the Constellation; the loss of her main-topmast made this practically impossible. Captain Barreaut was further placed at a disadvantage by the idea which seems

[1] *Mass. Mercury*, March 22, 1799.

[2] See above, p. 58.

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to have taken possession of him that peace had been restored between his country and the United States, and by his orders from Governor Desfourneaux not to fire upon the American flag.

Nevertheless, the superiority of the Constellation was not only in weight of metal, but in her ability to use her advantage. Her broadsides were aimed low and were poured into her enemy with destructive effect. Meanwhile the damage she received was nearly all aloft; most of the Insurgente's projectiles were wasted in the air, so that their weight was of less importance. American seamen at this early date displayed the skill in gunnery which especially distinguished them in the War of 1812 and made them the best naval gunners of their day. The Insurgente had seventy casualties: twenty-nine killed and forty-one wounded; several were found dead in the tops eighteen hours after the battle. The only man who lost his life on the Constellation during the action was not killed by the enemy, but by his divisional officer, for having deserted his quarters. Of this incident Lieutenant Sterrett says: "One fellow I was obliged to run through the body with my sword and so put an end to a coward." [1] By the Insurgente's fire three of the Constellation's crew were wounded, one of them mortally.

In a later report, February 14, Truxtun says: "My gun deck is divided into three divisions: the first, of five guns and opposite, superintended by

[1] *Mass. Mercury*, March 22, 1799.

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the first lieutenant, Mr. Rodgers; the second, of five guns and opposite, by the second lieutenant, Mr. Cowper; the third, of four guns and opposite, by the third lieutenant, Mr. Sterrett. The zeal of these three officers in performing their duty and complying strictly with my orders cannot be surpassed. But I must not, in praise of them, be silent as to the good conduct of Mr. Shirley, the master, and Mr. Archer, the fourth lieutenant, who acted their part near my person on the quarter-deck and who are also deserving of notice; but for the honor of our nation I must declare that it is impossible for officers and men in any service to have behaved better than my people did generally on this occasion." [1]

Of what happened after the battle Lieutenant Rodgers says in his letter of February 15: "When she struck I was ordered to board and take possession and to send the captain and first lieutenant on board the Constellation, which was done, and an exchange of prisoners immediately took place." [2] Rodgers's adventures on board the Insurgente with his prize crew, consisting of Midshipman Porter and eleven men, are not mentioned by him. As it could not have been far from five o'clock by the time they reached the prize, there was not much daylight left. The accepted account of subsequent events states that the operation of transferring the prisoners to

[1] *Naval Temple*, p. 264; *Nav. Chron.* p. 131.
[2] *Mass. Mercury*, March 22, 1799.

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the Constellation was made difficult by the high wind and sea. By the time night came on the two ships had become so far separated and the sea so high that communication between them became impossible. Rodgers now found himself with a handful of men in charge of a large frigate, with her decks encumbered by wreckage and the bodies of dead and wounded men, and with one hundred and seventy-three prisoners ready to take advantage of the first opportunity to rise on their captors and recover their ship. To navigate the crippled ship in a gale with the help of a midshipman and eleven men and at the same time secure the prisoners was his task, and it was a perilous situation. The crew of the Insurgente had thrown overboard the gratings for covering the hatchways and apparently all the handcuffs and other means of securing prisoners, for nothing of the kind could be found. Rodgers at once got possession of all the small arms on the ship, and, having driven the prisoners into the lower hold, placed a sentinel at each hatch. In this way the little prize crew, with the duties of navigation and of guarding the prisoners apportioned among them, passed three sleepless nights and two days. They were then able to rejoin the Constellation.[1] Truxtun says in his report of February 14, dated at St. Christopher: "On the 13th, after the greatest ex-

[1] This account rests on the authority of Goldsborough (*Nav. Chron.* p. 132), who is reliable. Admiral Porter gives additional particulars (*Porter*, p. 23). The fact that neither Truxtun nor Rodgers has a word to say about the affair is remarkable.

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ertions having been made, we gained these roads with both ships and anchored them safe about noon. It is impossible for me to state to you the joy demonstrated by the inhabitants on this occasion. . . . I shall proceed to repair the damages sustained by both ships as speedily as possible, and until the pleasure of the President of the United States is known, I intend to give lieutenant John Rodgers an order to command the Insurgente." [1]

Governor Desfourneaux sent his secretary to St. Christopher to demand the surrender of the Insurgente, on the ground that the United States and France were at peace. Truxtun naturally declined, declaring that he had taken the frigate in obedience to the instructions of his government. Thereupon the secretary departed with threats that all American property at Guadeloupe would be confiscated. On March 14 Desfourneaux issued a declaration of war against the United States, which set forth that after all his efforts to establish friendly relations with that country, having released prizes, liberated prisoners, and instructed French commanders to respect the American flag, he was astonished at the capture of the Insurgente and the insult to the flag of France. Thenceforth all American vessels were to be seized, sent into Guadeloupe, and condemned, or, if not liable to condemnation, were to be sold and the proceeds paid to the captors or to the owners, according to orders received

[1] *Naval Temple*, pp. 263, 264; *Nav. Chron.* p. 131.

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from the Directory. In the United States it was still believed that privateering from Guadeloupe and the seizure of American vessels had never ceased, and this opinion was expressed in the correspondence of the Secretary of State. Meanwhile Desfourneaux had agreed to Truxtun's terms for the exchange of prisoners and sent a receipt for some who had been delivered to him, promising to release an equal number of Americans. Most of the prisoners taken on the Insurgente were confined in a prison ship at St. Christopher and in jail on shore, the wounded being in the hospital. Repairs on the Constellation were soon made. The Insurgente also was refitted and was ready for sea early in March. Her crew was made up readily, other vessels being drawn upon. The Montezuma contributed fourteen men and the Norfolk, it is said, as many as seventy; probably some exchanged prisoners were enlisted. The Constellation and the Insurgente cruised on Commodore Truxtun's station several weeks in the spring. Nothing more important occurred than the capture of one or two small privateers by the Constellation. The term of enlistment of many of her crew had expired and both vessels sailed for the United States in May, arriving in Hampton Roads towards the end of the month. The Secretary of the Navy had not intended that they should return so soon, and wrote to the President May 29: "I had calculated with confidence on Truxtun's remaining until the return

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of the Norfolk, as he sent her in and wrote me by her he should wait for her return, which he ought to have done. However, he has conducted himself so well in general that I will not complain." The first and second lieutenants of the Constellation were promoted, Rodgers to the rank of captain and Cowper to master commandant, corresponding to the present grade of commander.[1]

The Constitution, Captain Nicholson, cruised in the West Indies during the winter and early spring of 1799, but met with few adventures and reaped no glory. She was too large to chase French privateers in narrow and shallow waters and had not the luck of the Constellation in falling in with frigates. She chased the Insurgente, however, before that vessel came in Truxtun's way, and, it was thought, would have overhauled and captured her had she not sprung her foremast. Captain Nicholson recaptured a British ship called the Spencer from the French, but through a misconception of his authority and perhaps made over-cautious by his mistake in seizing the Niger,[2] he surrendered the Spencer to her French captors, on the ground that she was unarmed. This pleased the administration as little as the affair of the Niger. About this time Congress passed the act of February 9, 1799, "further to suspend the commercial intercourse between the

[1] *Mass. Mercury*, March 22, 29, April 5, 9, May 10, June 7, 1799; *Pickering*, vol. x, 532, 643, vol. xi, 130, 138; *Letter Book* (1799–1807), 1, 5 (May 15, 29, 1799).

[2] See above, p. 71.

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United States and France and the dependencies thereof."[1] On March 12 the Navy Department issued its fifth circular order, to carry out this act, which enjoined increased vigilance in the prevention of American trade with French ports and the search of all suspicious vessels, even under foreign flags; also the recapture from the French of the armed vessels of other nations. In this general order the surrender of the Spencer by Nicholson was mentioned, and the rule of conduct in such cases was laid down as follows: "Our laws direct the capture of all armed vessels sailing under authority or pretence of authority from the French republic. A vessel captured by the cruisers of France must be considered as sailing under the authority of France; and it is scarcely to be supposed that in times like the present, when few vessels sail without arms, a captured vessel in possession of the captors will be so circumstanced as not to come under the description of an armed vessel within the meaning of our laws. To justify a recapture nothing is necessary but that the vessel be provided with such means of annoyance as will render her dangerous to an unarmed American vessel in pursuit of lawful commerce. If, however, the vessel cannot be considered an armed vessel within the meaning of our laws, you are not to recapture her, unless you have probable cause to suspect that the citizens of the United States, or persons resident therein, have some inter-

[1] *Statutes at Large*, vol. i, p. 613.

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est in the vessel or cargo. It is always your duty to recapture American property, or property of persons resident within the United States, whenever found in possession of the French on the high seas." [1] As well as being in some degree out of favor with the administration, Nicholson seems to have been disliked by the navy agent in Boston, Stephen Higginson, and was unpopular with his officers and men. In March the Constitution was ordered to Boston, as it was thought necessary, with the approach of spring, to provide for the protection of home waters. She sailed with a convoy in April, in company with the Merrimack; they reached Boston in May. Captain Nicholson was detached from his ship and thenceforth was employed on shore. The George Washington came home a little later. The Secretary of the Navy had a poor opinion of this ship on account of her dull sailing, and talked of selling her out of the service.[2]

Secretary Stoddert in speaking of Captain Nicholson and other officers in a letter to the President, April 19, 1799, says: "Barry no doubt is brave and well qualified to fight a single ship. Poor Nicholson is not allowed to rank so high in the public estimation. Our Navy at this time, when

[1] *Nav. Chron.* pp. 125, 126.

[2] *Barry*, pp. 375, 381, 382; *Brown*, pp. 163–165; *Columbian Centinel*, March 2, April 10, May 22, 1799; *Mass. Mercury*, May 14, 1799; *Salem Gazette*, May 24, 1799; *Pickering*, vol. xxii, 173, 194, 206; *Letters to President*, 26; *Letter Book* (1799–1807), 1, 3, (May, 15, 23, 1799); *Gen. Letters*, vol. ii, 179.

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its character is to form, ought to be commanded by men who, not satisfied with escaping censure, will be unhappy if they do not receive and merit praise; by men who have talents and activity, as well as spirit, to assist a judicious arrangement for the employment of the force under their command, or to cure the defects of a bad one. I hope and believe there are several such men in the service." [1]

Commodore Barry sailed for home late in April and arrived at Philadelphia May 9.[2] Here a new crew was enlisted for the United States. At this early day naval crews were enlisted for one year only;[3] probably at that time it would have been difficult to get good men to enlist for a longer period. Some people had feared that seamen of a good class would shun naval service, and a year before the war Colonel David Humphreys, United States minister to Portugal, had suggested to the President the establishment of a naval militia, to man the frigates then approaching completion.[4] However, with the short term of enlistment good men were obtained without trouble, but the system was apt to cause inconvenience and embarrassment, especially on a foreign station. The policy of the department as to enlistments is shown in the secretary's letter of May 20 to Barry: "You are allowed, besides officers of Marines and 44 privates which will be supplied you by the Major of the

[1] *Letters to President*, 26.
[2] *Barry*, p. 389.
[3] *Nav. Chron.* p. 338.
[4] *Adams MSS.* (March 20, 1797).

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Marine Corps, and your commissioned and petty officers, the latter of which you will appoint, not exceeding 300 men and boys exclusive of marines. Of this number you will recruit not exceeding 175 able seamen. It is our best policy to create seamen; therefore you will take as large a proportion of boys as can be found useful on board. If you increase the number of ordinary seamen and boys you will consequently lessen the number of able seamen, and I think it will be found for the good of the service if you do so. You will allow able seamen 17 dollars per month, ordinary seaman and boys from 5 to 14 dollars, according to merit, all to be entered to serve one year, to commence from the ship's first weighing anchor on a cruise. You will be careful not to enlist any but sound and healthy persons, and that no indirect or forcible means be used to induce them to enter into the service. No negroes or mulattoes are to be admitted, and as far as you can judge you will exclude all of a suspicious character."[1] The ship was refitted and the crew enlisted at Chester, under the charge of Charles Stewart, who was now first lieutenant. Midshipmen Somers and Decatur were promoted to the rank of lieutenant just at this time and remained with the ship, Decatur being on recruiting duty in Philadelphia.[2]

June 29 Barry received orders to cruise on the

[1] *Barry*, p. 391.

[2] *Ibid.* pp. 393-396; *Decatur*, pp. 36, 37.

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southern Atlantic coast, which being insufficiently protected, had begun to suffer again from French cruisers. He sailed about July 1, but encountered no French. He transported to Charleston an artillery company for the garrison of Fort Moultrie. The United States then got a new bowsprit at Norfolk. She cruised along the coast several weeks, part of the time in company with the George Washington. She put into Newport in September, and was there detained several weeks. A cruise across the Atlantic had been planned for the United States and had been given up, but she was now to go on a peaceful mission instead. In October Barry was ordered to proceed to France with the envoys recently appointed to treat with the French Republic. On this voyage he set sail in December.[1]

Captain Murray cruised in the Montezuma during the winter and spring of 1799. He captured one small prize, and was employed much of the time in convoying merchantmen. He reported that American commerce was in a flourishing condition. Having contracted yellow fever, Murray returned to the United States, arriving early in May. On account of impaired health he was obliged to give up the command of his ship. Captain Mullowny, who had been a lieutenant on the United States, was appointed to command the Montezuma and

[1] *Barry*, pp. 395–403; *Decatur*, pp. 39, 40; *Nav. Chron.* p. 138; *Mass. Mercury*, August 30, 1799; *Letters to President*, 64 (August 14, 1799).

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was soon ordered to St. Christopher. The Montezuma continued in active service until November, when she was pronounced unseaworthy and condemned. Mullowny was transferred to the Ganges, probably soon after this. The Ganges had spent most of the year in the West Indies, under the command of Commodore Tingey. In February, 1799, while convoying a fleet from St. Thomas, she fell in with a British frigate. An officer of the Ganges gave a sensational account of insolent demands on the part of the English captain firmly resisted by Tingey. This story was denied by Tingey, who declared that the Englishman was most courteous and friendly, although his report to the Navy Department indicates that he had feared trouble and had assured his men that he was determined if necessary to resist attempts to impress any of his crew. Tingey was the ranking officer among the Windward Islands after the departure of Barry and Truxtun, whose squadrons were united, forming what was thenceforth called the Guadeloupe station. Tingey commanded the station during the summer, and had under him at various times the George Washington, Merrimack, Baltimore, Montezuma, Norfolk, Eagle, Richmond, Pickering, and Delaware. During the year the Ganges took five prizes, four of them while under Tingey's command.[1]

[1] *Nav. Chron.* pp. 134, 136, 183; *Mass. Mercury*, March 29, June 21, July 5, 23, August 9, 1799; *Connecticut Courant*, Febru-

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The Merrimack, Captain Brown, cruised on her station during March and April, 1799, and recaptured the American prize of a French privateer. She made a short visit to Boston in May, with the Constitution, returning directly to the West Indies. In June she captured the Magicienne, a French schooner of fourteen guns. This vessel turned out to be the Retaliation, which a year earlier had been captured by the Delaware under the name of Croyable and had later been recaptured by the French and her name changed again. She was sent to the United States with prisoners. Of this vessel the Secretary of the Navy said, six months later: "The Magicienne, late the Retaliation, being a national vessel when captured by the Merrimack, became the property of the United States, and a bounty of 40 dollars for each man and 50 dollars for each gun taken on board is due to the captors." [1] In August the Merrimack took the Bonaparte of eight guns. She also recaptured two or three prizes. After spending the rest of the year in active cruising, she returned home in December.[2]

The frigate General Greene, 28, built in Rhode

ary 25, March 4, 18, 25, November 18, 1799; *Nav. Inst.* March, 1907, p. 121; *Letters to President*, 32, 36, 37, 64 (May 13, 25, August 14, 1799); *Letter Book* (1799–1807), 5.

[1] *Gen. Letters*, vol. iii, 87 (December 28, 1799). The identity of these vessels is frequently mentioned in the newspapers of the time.

[2] *Brown*, ch. xv, xvi; *Mass. Mercury*, August 9, 16, 20, 23, September 17, 1799; *Gazette of U. S.* July 27, 1799; *Letters to President*, 34, 64.

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Island and commanded by Captain Christopher Raymond Perry, sailed for Havana about the first of June. Among the midshipmen was the captain's son, the future hero of Lake Erie. Captain Perry was instructed to give attention to a nest of pirates on the north coast of Cuba. The governor of Cuba was very friendly. Earlier in the year this station had been in charge of Captain Decatur with the Delaware and two revenue cutters. The Delaware had captured a French privateer in March. The General Greene, after serving several weeks in Cuban waters and having yellow fever on board, returned to Newport with a convoy of fifty merchantmen, arriving July 30. There were twenty deaths from the fever, and the ship remained north until the health of the crew was restored. She returned to Havana in September, but soon after was transferred to the San Domingo station.[1]

San Domingo depended on the continent for supplies, and the interruption of American trade by the non-intercourse act of June 13, 1798, had been severely felt on the island. In November Toussaint L'Ouverture sent an agent to Philadelphia with a letter to the President on the subject. The administration was interested, and in January, 1799, the Secretary of the Navy wrote to Commodore Barry: "It is very much the wish of the President that

[1] *Perry*, vol. i, pp. 39–41; *Mass. Mercury*, April 2, 5, June 7, August 2, 1799; *Pickering*, vol. xi, 499; *Letters to President*, 28, 34 (April 30, May 23, 1799); *Letter Book* (1799–1807), 3, 5 (May 28, 29, 1799).

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you should take some occasion, before your return, to show yourself with the greater part of your fleet at Cape François to Genl. Toussaint, who has a great desire to see some ships of war belonging to America, but it is not intended that you sacrifice any important object to gratify this General, with whom, however, if it should fall in your way, it may be well for you to cultivate a good understanding." [1] March 4 the Secretary of State wrote to Toussaint prescribing the suppression of privateering as the sole condition of the renewal of trade with San Domingo.[2] April 25 the agent of the Directory issued a decree regulating privateering in San Domingo,[3] but this did not go far enough. By a secret convention of June 13 Toussaint agreed with a British envoy, General Maitland, to suppress privateering and to open to American and British trade the ports of Cape François (Cap Haitien) and Port Republicain (Port au Prince).[4] The American consul-general, Dr. Edward Stevens, was not a party to this compact, but had great influence in the negotiations. Captain Fletcher in the George Washington was sent to San Domingo and instructed, June 25, to cultivate amicable relations with Toussaint. In accordance with these proceedings President Adams issued a proclamation, dated June 26, remitting, as to San Domingo and

[1] *Barry*, p. 376; see, also, pp. 382, 397.
[2] *Pickering*, vol. x, 440.
[3] *Mass. Mercury*, June 4, 1799.
[4] *Pickering*, vol. xi, 269, 270.

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after August 1, the restraints of the act of February 9, 1799, which prohibited all trade with France and her dependencies.[1] In the fall the General Greene was employed in protecting American commerce and in support of Toussaint's efforts to maintain order. Commodore Talbot in the Constitution came a little later and took command of the station.[2]

The authority of Toussaint in San Domingo was disputed by the mulatto chieftain Rigaud, who held the southwestern part of the island, except Port Republicain, with the small island of Gonaive. He carried on actively a piratical form of warfare in the waters of that region. In the Gulf of Gonaive, then known as the Bight of Leogane, the vessels employed were large barges manned by crews of about forty men and armed with two or three swivels. They would lie in wait for their prey by the shore, and when unsuspecting vessels appeared would put out from their hiding-places and attack them. When becalmed, vessels even of considerable force had little chance of escape. They were taken by their captors into one of the ports controlled by Rigaud, their crews having generally been murdered. Trade with Port Republicain was beset with difficulty and danger through the operations of

[1] *Nav. Chron.* p. 134; *St. Pap.* vol. iv, p. 290.

[2] Adams, *History of the United States*, vol. i, ch. xv; *Perry*, vol. i, pp. 41–43; *Mass. Mercury*, June 28, December 17, 20, 1799, January 10, February 11, 1800; *Pickering*, vol. xi, 198, 227, vol. xii, 310, 315; *Letters to President*, 74 (September 23, 1799).

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these picaroons. In June, 1799, Rigaud issued an address in which he complained of his treatment at the hands of Toussaint and declared his loyalty to the French Republic.[1]

The frigate Boston was launched from the Continental Ship Yard at the North End, May 20, 1799. She was built with money advanced by the citizens of her native town under the act of June 30, 1798. She was rated as a twenty-eight, and was considered a fine ship. Since 1775 there have been five vessels of this name in the naval service. Captain George Little, who had served in Massachusetts cruisers in the Revolution, was put in command of the Boston. She sailed July 24, under orders to proceed to Cape François and from there cruise on the northern side of San Domingo, for the protection of the greatly increased trade which was anticipated from the opening of the ports. The Boston cruised in these waters, coöperating with the other vessels of the San Domingo squadron, during the rest of the year. December 2, being in company with the General Greene, the Boston captured the Danish brig Flying Fish, bound from Jeremie, one of the ports under Rigaud's jurisdiction, to St. Thomas. Although under the Danish flag her papers were irregular, and Captain Little, suspecting her or her cargo to be American property, sent her to Boston for adjudication. He acted under the

[1] *Mass. Mercury*, August 13, 23, October 22, November 19, 1799; *Gazette of U. S.* January 18, 1800.

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orders of the Navy Department of March 12, 1799, which say: "You are to be vigilant that vessels or cargoes really American, but covered by Danish or other foreign papers, and bound *to* or *from* French ports, do not escape you." This general order was based on the non-intercourse act of February 9, which says: "If upon examination it shall appear that such ship or vessel is bound or sailing *to* any port or place within the territory of the French Republic or her dependencies, contrary to the intent of this act, it shall be the duty of the commander of such public armed vessel to seize every ship or vessel engaged in such illicit commerce." The Flying Fish was bound *from*, not *to*, a French port and was therefore an illegal capture; so that Little, for violating the law while obeying the orders of his superiors, was held by the Supreme Court to be liable for damages.[1]

The conduct of Lieutenant Bainbridge at Guadeloupe after the loss of the Retaliation was approved by the government. He was promoted to the rank of master commandant, and given command of the brig Norfolk. She was ordered, April 15, 1799, to St. Christopher to join Truxtun's squadron. About June 1 she carried away both topmasts while chasing a schooner among the Leeward Islands. After

[1] *Cranch*, vol. ii, p. 170; *Nav. Chron.* p. 125; *Statutes at Large*, vol. i, p. 613; *Mass. Mercury*, May 21, September 17, 1799, January 7, 1800; *Columbian Centinel*, July 27, 1799; *Letter Book* (1799–1807), 15, Stoddert to Little (July 2, 1799); *Letters to President*, 74 (September 23, 1799).

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repairing damages she sailed for the United States accompanied by the Magicienne, recently captured by the Merrimack. They took with them from St. Thomas a convoy of over a hundred merchantmen. In his journal, dated Lat. 25° 40′ N., Long. 67° 15′ W., August 4, 1799, Bainbridge says: "Part of the fleet bound to the southward and some of the fast sailing bound to the northward left us last evening. At meridian counted 84 sail, at 1 P. M. discovered a strange sail bearing north; we immediately gave chase and prepared for action; at half-past 1 saw she was a large ship standing for the fleet; at 2 P. M. made the British private signal of the day and it was not answered. I then fired a gun to leeward and showed my colors; she hoisted English colors but fired no gun, tacked and gave chase to us under full sail. At half-past 2 made the American private signal of the day, also repeated the English signals — neither of them was answered. By this time we could distinguish her hull very plain and saw that she was a large frigate with a poop, sailed very fast and gained on us considerably. At 3 P. M., the breeze being very light, she hove out her boat with sails and sent her in chase of the fleet, while she still continued chasing us — from this, as well as other circumstances, left no doubt in my mind or my officers but what she was a French ship of at least 44 guns; thought it highly necessary to disperse the fleet. At half past three made the signal for them to tack, with an intention of separating

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myself from the fleet, with a view if she continued her chase of the Norfolk, it should prove the means of saving the fleet, and if she chased the fleet, the Norfolk might get clear; and her being captured would have assisted in capturing numbers of the fleet; and as I could not render them protection against a frigate, I conceived it prudent to act in this manner. Part of the fleet obeying the signal, the remainder continued their course to the northward. At 4 P. M. made the signal for the fleet to disperse, set all our canvas, yet still she gained upon us. At 6 P. M., being so near as to distinguish her ports, repeated both the American and English private signals, to which she paid no respect, but continued her chase. At 7 P. M. she had got such a distance from her boat that she gave up the chase after us, took in her light sails and hauled her wind. Her boat being a considerable distance from her and a squally night following, I am induced to believe that the greater part of the fleet escaped. At 5 A. M. saw several sail astern, hove to and made a signal to close. At 8 A. M. had got 48 sail together. Aug. 8, lat. 34, 25, long. 70, 45, was spoken schooner Peggy, the Captain of which informed he had seen 12 of the fleet from St. Thomas captured and seemingly sent away for Porto Rico." [1] Later it was reported "that the ship which caused the dispersion of the fleet under the Norfolk was an English 74, and that her boats were out in chase of a Danish

[1] *Mass. Mercury*, August 23, 1799.

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schooner."[1] Probably this was a mere rumor; it does not seem likely that Bainbridge could have mistaken a seventy-four for a frigate when so near as to distinguish her ports. The Norfolk proceeded to New York, where she was refitted. She sailed for Cape François in September, and joined the San Domingo squadron. Here she shared with the General Greene and other cruisers the work connected with the opening of the ports, and Bainbridge had two or three interviews with Toussaint. In November a French lugger was captured with her prize, a sloop which she had just taken from barge pirates who had murdered her crew. Soon after this the Norfolk received orders, apparently delayed, assigning her to the Havana station, where there were two other vessels, the Warren and Pinckney, and Bainbridge was senior officer. She remained on this station until March, 1800.[2]

A few weeks after her return to the United States in May, 1799, the Constellation was sent to New York to exchange her deck gun battery of twenty-four pounders for eighteens; the twenty-fours had been found too heavy for her. It must have been at the same time that her twelves on the spar deck were replaced by twenty-four pounder carronades. Soon after this the question of rank between Talbot and Truxtun having been decided against the latter,

[1] *Mass. Mercury*, September 3, 1799.

[2] *Bainbridge*, pp. 36–42; *Nav. Chron.* pp. 130, 137; *Mass. Mercury*, April 12, July 5, 9, August 16, 20, December 3, 17, 1799; *Letter Book* (1799–1807), 5; *Letters to President*, 64.

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he resigned.[1] Captain Samuel Barron was appointed to command the Constellation; he had had the Baltimore since the dismissal of Captain Phillips. August 15 Truxtun wrote to a friend: "You no doubt know that I have resigned my commission in the navy and the cause of my having done so. The secretary has, however, returned it to me with a request that I will proceed after the French 44 gun frigate seen by the Norfolk, in the event of Capt. Barron's not arriving before the ship is ready for sea; and this I have consented to do — for no personal injury which I feel will ever make me less zealous in punishing the insults and wrongs done to my country, whenever an opportunity of this sort presents itself."[2] Barron was in Norfolk when appointed, but he arrived in New York before the ship was ready for sea, and took command. He soon got away in search of the French frigate, but did not find her. He then cruised along the southern coast until late in November, when he went into Hampton Roads. The President would not accept Truxtun's resignation, and in December he returned to duty and to his old ship, which he sailed back to the West Indies, where he took command of the Guadeloupe station. Barron was transferred to the Chesapeake, 36, and got her ready to go into commission. She was one of the 1794 frigates, and had been launched November 28 at Norfolk.[3]

[1] See above, pp. 49, 50. [2] *Gazette of U. S.* August 19, 1799.
[3] *Nav. Chron.* pp. 136, 137; *Mass. Mercury*, July 5, 9, August

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The Constitution, after her return from the West Indies in the spring of 1799, remained in Boston over two months. Captain Talbot was appointed to command her. He proceeded to Boston and took charge of the ship June 4, but later declined to serve, on account of the uncertainty as to his rank. After months of discussion this question was at last definitely settled by the President, who wrote to the Secretary of the Navy July 23 that Talbot was to "take rank from the day of his appointment as a captain in the navy, in 1794," and that these words were to be inserted in his commission; Stoddert replied: "The alteration directed shall be made in the register of Captain Talbot's commission." [1] Talbot then resumed command of the ship; Isaac Hull was his first lieutenant. Secretary Stoddert had long cherished a plan for carrying the war into European waters. May 10 he wrote to the President: "I have sometimes thought that if the French do not very soon give some decisive proof of their desire to conciliate with us, that some of our fast sailing vessels might be employed to advantage, during the hurricane season in the West Indies, in a cruise on the coast of Spain and France, to sweep from about Cape Finisterre to Nantz, and to return with their prizes without

30, November 12, December 3, 17, 1799; *Gazette of U. S.* August 30, 1799; *Letter Book* (1799–1807), 10, 18, Stoddert to President (June 25, 1799), to Truxtun (August 13, 1799); *Letters to President*, 64 (August 14, 1799).

[1] *Adams*, vol. viii, pp. 674, 675.

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remaining long enough to attract the attention of superior force. This would in fact be giving more real protection to the trade to Spain than to convoy at a particular season a few vessels. A convoy, to be useful, must be known generally to the merchants five or six weeks before it could sail. The French would probably hear of it before it arrived in Europe and might be prepared for it." [1] In a letter of June 25 this scheme was elaborated, and the secretary proposed to send the United States and Constitution "to Cape Clear, the western point of Ireland, there across the English Channel to strike the French coast south of Brest, to cruise along the French coast in the Bay of Biscay, the Spanish coast and the coast of Portugal, but not to remain long on these coasts, thence homeward, taking in their way the Western Islands [and] Cayenne," so as to "be in the West Indies quite as soon as it will be safe for them to be there on account of the hurricanes." [2] The Constitution did not get away from Boston until July 23, however, and it became apparent that the cruise could not be made so as to bring the frigates in good time to the West Indies, "where they may be employed in pursuit of an object attainable and of the highest importance — the security of our trade to the Islands and to Spanish and Dutch America. Indeed, my impression of the vast importance of securing the West Indies trade now and laying a good founda-

[1] *Letters to President*, 31. [2] *Letter Book* (1799–1807), 10.

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tion for it in future is so strong that I almost consider it treason against the true interest of the country to employ a vessel elsewhere which can be employed in the West Indies, while a single French armed vessel remains to infest those seas." [1] It was next proposed to carry the cruise no farther than the Azores, Madeira, and Teneriffe, returning to the West Indies by way of Cayenne and Surinam in October. Then the plan, as far at least as it concerned these vessels, was abandoned. Moreover, the President deemed it inexpedient that Barry and Talbot should cruise together, believing it better to keep the large frigates on separate stations.[2]

It has already been related that the United States remained in home waters until she went abroad with the ministers to the French Republic. The first port made by the Constitution after leaving Boston was Norfolk. There she found orders of July 27 dispatching her to Cayenne, to cruise in that vicinity until about September 20, thence to proceed by way of Surinam and Guadeloupe to Cape François, where Talbot was to take command of the San Domingo station. It is not certain how closely these orders were followed. August 15 the Constitution was still in the vicinity of Norfolk. September 15, probably somewhere to the eastward

[1] *Letters to President*, 57 (July 29, 1799).

[2] *Adams*, vol. ix, pp. 8, 9, 12; *Barry*, pp. 396, 397; *Columbian Centinel*, May 22, June 5, July 24, 1799; *Letter Book* (1799–1807), 1, 3 (May 15, 28, 1799); *Gen. Letters*, vol. ii, 179 (June 15, 1799); *Letters to President*, 5 (July 12, 1799).

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of the West Indies, she recaptured and sent into New York a Hamburg vessel bound home from Calcutta, which had been captured by the French ten days before and was being taken to San Domingo. In October Commodore Talbot arrived on his station and took command of the squadron. While on this station it is said that the Constitution in a race with an English frigate left her competitor far behind, giving an exhibition of the speed which, three times in the War of 1812, led her safely away from pursuing British squadrons.[1]

The Portsmouth, Captain McNeill, cruised actively nearly all the year 1799, most of the time off the coast of the Dutch colony of Surinam, and occasionally convoying merchantmen to or on the way to the United States. The Scammel was with her on the Surinam station through the summer and early fall, and later the Maryland and John Adams, but the later remained a short time only. In July McNeill learned that the French ship Hussar, of twenty guns, which had taken several rich prizes, was lying in the Surinam River, waiting for an opportunity to get away. The mouth of the river was blockaded by the Portsmouth and Scammel about a month, and then the Hussar surrendered. Just at that time, August 12, a large English fleet appeared and de-

[1] *Nav. Chron.* p. 136; *Bainbridge*, p. 38; *Cranch*, vol. i, p. 1; *Mass. Mercury*, August 30, November 12, 22, 1799; *Putnam's Magazine*, May 1853, p. 476; *Pickering*, vol. xlii, 217; *Letters to President*, 64 (August 14, 1799).

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manded the surrender of Surinam. The governor capitulated and the English took possession. The English admiral treated McNeill civilly and was friendly to American interests. By an agreement between them the Hussar was given up to the British.[1]

Secretary Stoddert's scheme of a European cruise was carried out in a partial and modified form by the Insurgente. This frigate had been taken into the service and Captain Murray, having recovered his health, had been appointed to command her. The Insurgente took her departure from Cape Henry August 14, 1799, arrived off the Azores September 1, and at Lisbon on the 13th, where she remained four days. While there Murray wrote to the Secretary of the Navy: "I had thirty days' passage to this port, but could have been here in three weeks but for chasing everything we saw, all of which we overhauled except one vessel which we lost sight of in the night. Since passing the Azores we have boarded 30 vessels of different nations, but the greater part British, and met with but one ship of war, from whence you may judge of the unprotected state of their trade as well as our own in those seas. I am told here that vast numbers of corvettes and privateers have issued from the ports in France

[1] *Mass. Mercury*, May 3, June 21, August 13, 27, September 27, October 18, 1799, January 3, 1800; *Letters to President*, 34, 57, 74; *Letter Book* (1799-1807), 5; *Gen. Letters*, vol. ii, 179.

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since the fleets got into Brest. I hope we shall be able to give a good account of some of them." September 24 the Insurgente was in Gibraltar Bay, having touched at Cadiz, and lay off Algeciras until the 30th. "The wind then favoring us, we made sail in company of a large fleet and cruised off Cape Spartel two days," thence recrossed the Atlantic by way of Madeira and Teneriffe, and arrived off Cayenne October 30. During the passage from Teneriffe Murray "never saw a vessel till we got on the coast." He wrote to the secretary November 9: "Had I not been fearful of extending the privilege you gave me too far, I should have extended my cruise a little longer on the European coast and have tried my fortune in the Bay of Biscay, which is now the only field for glory." After a short stay off the mouth of the Cayenne River, Murray "resolved to bear away for Surinam," where he fell in with the Maryland and learned of the capture of that place. As it was evident that nothing was to be gained by remaining on that coast, and as he had much sickness on board and was in need of supplies, Murray proceeded to Barbadoes. November 14 he wrote: "On the 12th I fell in with the Adams in sight of Deseada, and hearing that two French frigates were expected at Guadaloupe every day, we determined to cruise together for some days. This day at 5 A. M. discovered two sail to windward, to which we gave chase; the Adams after the one to windward and

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the Insurgente after the other, which we soon overhauled. She proved to be an English brig of 14 guns, captured yesterday by a French privateer, the one which the Adams is now pursuing. She is gaining upon her fast. The brig had 21 Frenchmen on board and five of her former crew, including two gentlemen passengers very badly wounded. I dispatch her instantly for Martinico on account of the wounded and before I can inform you of the result of the chase by the Adams." The Adams, Captain Morris, captured the privateer soon afterwards. They did not have the good fortune to fall in with the French frigates which were reported to be in those waters. Having taken over fifty prisoners, they exchanged them for Americans at Guadeloupe. Desfourneaux had recently been superseded as governor of Guadeloupe by General Paris. There were said to be two hundred American prisoners there, and Murray says, November 27, "These seas swarm with small privateers, which has determined me to pass the remainder of my cruise on this station, which at this time is very much unguarded." He fell in with the Baltimore, Pickering, and Connecticut, and saw a large French frigate, probably the Vengeance, at anchor at Guadeloupe. The Insurgente chased a ship and lost sight of her in the night and, except for the recapture of a valuable American vessel, accomplished little. In December her foremast was found to be much decayed, and she put into St. Christopher and afterwards into An-

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tigua for repairs. Murray was much disappointed with the results of the cruise up to this time.[1]

In regard to prisoners, the President had modified his views before this time and had written to the Secretary of the Navy, August 5: "There is one alteration in our policy which appears to me indispensable. Instead of sending the prisoners which we take back into Guadaloupe, there to embark again in the first privateer, we must send them all to the United States or allow them to work and fight on board our ships. At least, if they are returned, their written parole ought to be taken that they will not serve until exchanged." [2]

The Connecticut, 24, Captain Tryon, was ordered in September to Porto Rico, and arrived off the island October 27. She cruised a month thereabouts and then proceeded to St. Christopher, where she arrived December 15. The squadron was then commanded by Captain Morris. An officer of the Connecticut says: "We . . . left there immediately for the island of Guadaloupe, and on the 29th of the same month, off that island, captured the copper bottomed French privateer brig L'Italic Conqueste, of 12 guns and pierced for 18." Morris, in reporting the capture, said that "she struck

[1] *Nav. Chron.* p. 137; *Mass. Mercury*, November 15, Murray to Stoddert (September 16, 1799), November 26, 1799, January 3, Murray to Stoddert (November 14, 1799), January 7, 1800; *Letters to President*, 64; Murray's *Letter Book*, 27, 32, 36 (November 9, 27, 1799, January 3, 1800).

[2] *Adams*, vol. ix, p. 9.

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after receiving the second broadside, which carried away her main-topmast, stove her boat, and wounded her captain and two of the men, [one of them] mortally." This privateer had done great injury to American commerce. The Connecticut also recaptured two American vessels and ran a valuable French ship on shore.[1]

December 20 the Baltimore, Captain Cowper, captured the French brig Esperance off Guadeloupe. Midshipman Mercer of the Baltimore afterwards asserted that this brig was unarmed, and that before sending a prize crew aboard her, arms had been put aboard, so that the prize master could swear that he had found arms on her when he took possession. The Esperance was then sent into port and condemned. It was said that this was a device sometimes resorted to for the purpose of insuring the condemnation of prizes and the award of prize money, contrary to the laws which forbade the capture of unarmed vessels. Even if this story of the Esperance was true, however, it seems probable that it must have been very exceptional, for it is hardly conceivable that many vessels navigated West Indian waters in those troublous times entirely unprepared to defend themselves.[2]

Two new frigates were put into commission late

[1] *Nav. Chron.* p. 137; *Columbian Centinel*, March 5, August 13, 1800; *Gazette of U. S.* February 14, 1800; *Conn. Courant*, July 28, 1800.

[2] *Conn. Journal*, January 30, 1800; *Adams MSS.* L. G. Tucker to President Adams (October 5, 1800).

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in 1799, the Congress, 36, and the Essex, 32. The Congress was one of the six frigates authorized in 1794, and was built at Portsmouth, New Hampshire; she was commanded by Captain James Sever. Of this officer it was said by Stephen Higginson, the navy agent at Boston: "Sever will be an excellent naval commander; he is a cool, firm, discreet, gentlemanlike man, who feels and conducts with dignity and zeal proper to his station; he is remarkable for discipline and regularity."[1] Charles Morris, a midshipman on the Congress at this time, says: "Captain Sever had held a subaltern's commission in the army for a year or two before the close of the war of the Revolution, where he had acquired some knowledge of military discipline. He had afterwards made several voyages to Europe, in most of them as master of vessels belonging to his relatives. He had also made one or two cruises in the sloop Herald before he was appointed to the Congress. He was well educated, very austere and distant in his manner, not very amiable in temper, rigid in his discipline, and very punctilious in all matters of military etiquette. I believe he was rather deficient in seamanship, but remarkable coolness and self-possession in trying situations enabled him to decide and direct what was proper to be done better than most of his officers who better understood their profession practically." The Essex was built by private subscription at Salem,

[1] *Life of Stephen Higginson* (Boston, 1907), p. 210.

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under the act of June 30, 1798, and was launched September 30, 1799. She was commanded by Edward Preble, who had been promoted to the rank of captain in May. In December the Congress and Essex were ordered to convoy a fleet of merchantmen to the East Indies. They assembled their convoy at Newport and set sail in January.[1]

The sixth general order to officers commanding public ships, issued by the Navy Department June 27, 1799, calls for the observance of strict discipline on all vessels of war and the encouragement of "a love of country and respect for its constituted authorities, a high sense of national character, and veneration for the honor of the American flag." The seventh order, September 5, directs commanding officers to report infractions of a law of 1794 prohibiting "the carrying on the slave trade from the United States to any foreign place or country." A later act authorized the seizure of vessels engaged in this traffic and their condemnation for the benefit of the captors.[2]

During the whole of the year 1799 there was active cruising in the West Indies by the American navy, reinforced by the arrival of several new vessels which had been built or purchased for the service. More than thirty vessels were employed in these waters at one time or another during the year,

[1] *Nav. Chron.* p. 138; *Morris*, pp. 8, 9; *Essex*, pp. 4–16; *Gen. Letters*, vol. iii, 38.

[2] *Nav. Chron.* pp. 135, 138, 163; *Statutes at Large*, vol. i, p. 347, vol. ii, p. 70.

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and American merchantmen in convoys under the protection of national cruisers were able to carry on a busy commerce. About twenty-five French armed vessels were captured, nearly all of them privateers. Among the new vessels were two fast schooners of twelve guns each, the Enterprise and Experiment. They were built especially for chasing privateers in the shoal waters of this region, and were ready for service just before the end of the year. At this time there were a few more cruisers in the West Indies than the year before — something over twenty. The Portsmouth, Captain McNeill, and the Maryland, Captain Rodgers, were cruising off Surinam, and the Norfolk, Warren, and Pinckney off Havana. Commodore Talbot, who commanded the San Domingo station, including the waters about Porto Rico, had with him the flagship Constitution, the General Greene, Boston, Patapsco, Herald, Augusta, and Experiment. Commodore Truxtun, on the Guadeloupe station, had under his command a squadron of ten vessels, — his flagship the Constellation, the Adams, Captain Morris, and John Adams, Captain Cross, of twenty-eight guns each, the Connecticut, Captain Tryon, the Delaware, Baltimore, and Enterprise, and the revenue cutters Eagle, Pickering, and Scammel. There may have been one or two others attached to one or another of these squadrons. The Insurgente cruised alone.[1]

[1] *Nav. Chron.* pp. 136, 137; *Pickering*, vol. xlii, 217; *Gen. Letters*, vol. iii, 148.

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Thomas Truxtun, the most notable figure of this war with France, was born on Long Island in 1755, and spent most of his life at sea. As a privateersman he served actively throughout the Revolution, and after the war was engaged in the merchant service. On board his ship discipline was severe and even harsh. Regarding Truxtun and navy discipline, Admiral Porter's observations in his memoir of his father give an interesting view of conditions in the old navy: "In those days the authority of a ship's captain was absolute, and it was not unusual for a commander and his watch officers to commit acts of oppression that would not be tolerated at the present time. Even as late as the year 1820 midshipmen in the British navy were flogged like messenger boys; and our commanders in 1798, following British customs, introduced punishment equally unpleasant on board their vessels. It was customary in those days to swear at the midshipmen, send them to the masthead and confine them for slight offenses on bread and water, which usages we are happy to say have long since been abandoned." [1] "This was a rough school for young Porter, but he was fortunate in commencing his career with Captain Truxtun and Lieut. Rodgers. Both were officers of the highest reputation, strict disciplinarians and men of undoubted probity. Under them Porter formed the character which did so much towards his advance-

[1] *Porter*, p. 18.

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THOMAS TRUXTUN

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ment in the service; and he often in after years congratulated himself in having been brought up in such a thorough naval school. Severe as was that discipline and unjust as were some of the decisions of naval commanders of those days against their junior officers, who were liable to dismissal from the service at the mere instance of a captious captain, yet it is acknowledged by those familiar with the subject that the usages of that early period were far better calculated to make officers who will distinguish themselves in war than those of the present day. Notwithstanding the attractions presented by a naval career, yet so great were the exactions and so unceasing the strain on a boy's nervous temperament that only the most rugged and determined could remain in the service for any length of time. On the whole it is unfortunate for the navy that this severe discipline was not maintained up to the present time, for if it had been, with our advance in nautical science we should be invincible upon the ocean.

"Captain Truxtun was a very severe man and his first lieutenant, Mr. Rodgers, was in no respect behind him. They had both been educated in the rough school of the merchant service, where the officers, having no marines to support them, had to depend upon their own physical powers for the maintenance of discipline among crews often made up of the most desperate men. Few of the present amenities of the quarter-deck were practiced in the early days

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of the navy, and it required a great deal of forbearance in a high-spirited youth to control his temper under the abuse to which he was often subjected. Notwithstanding Midshipman Porter's ambition to make his way in the navy, he was several times on the point of resigning. Upon one occasion he told Captain Truxtun that his tyranny was more than he could bear, whereupon the honest-hearted old seaman took him by the hand and said: 'My boy, you shall never leave the navy if I can help it; why, you young dog, every time I swear at you, you go up a round in the ladder of promotion, and when Mr. Rodgers blows you up it is because he loves you and don't want you to become too conceited.' Porter finally became much attached to Truxtun and Rodgers, and their mutual friendship terminated only with their lives."[1]

Truxtun issued an address to his midshipmen which reveals a lively interest in the service and in the young men who were to be the officers of the future. After enjoining obedience to superiors, he says: "In doing your duty, while vigilance is required of you, civility to those under you is desired and expected. From examples in civil life and in the education many of you have had, it will, I am sure, be grateful to you to consider men in an inferior station as your fellow creatures, and when they do their duty with your cheerfulness to encourage them, always remembering that rigid discipline and good

[1] *Porter*, pp. 23, 24.

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order are very different from tyranny — the one highly necessary and the other abominable and disgraceful to the character of an officer. . . . Persevere always, and struggle against all your seeming difficulties. Learn to be seamen of the first order. Each of you calculate and prepare yourselves to be Admirals and to command the American fleet. Learn to rig and unrig, to hand, reef, and steer, and to navigate a ship scientifically, and to perform every sort of duty belonging to the highest and the lowest orders of seamen and sea officers. Make yourselves also acquainted with the construction of all sorts of vessels and the general principles of mechanics. Do not fail to pay the closest attention to Naval Tactics, which you can never know properly until you become mathematicians: consequently, till then, fighting in a line of battle and manœuvres will always appear to you a confused business. I shall always have pleasure in giving encouragement and instruction to you or such of you as I see merit it, and such as do not I shall have equal pleasure in getting rid of as speedily as possible." [1]

The last general order issued by the Navy Department in 1799 was dated December 20: "The President with deep affliction announces to the Navy and to the Marines the death of our beloved fellow citizen, George Washington, Commander of our armies and late President of the United States, but rendered more illustrious by his eminent virtues and

[1] *Wadsworth MSS.*

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a long series of most important services than by the honors which his grateful country delighted to confer upon him. Desirous that the Navy and Marines should express, in common with every other description of American citizens, the high sense which all feel of the loss our country has sustained in the death of this good and great man, the President directs that the vessels of the Navy, in our own and foreign ports, be put in mourning for one week by wearing their colors half-mast high; and that the officers of the Navy and of Marines wear crape on the left arm below the elbow for six months."[1]

[1] *Nav. Chron.* p. 140.

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CHAPTER VII

THE LAST YEAR OF THE WAR

On New Year's day, 1800, the schooner Experiment, which had recently arrived on the San Domingo station, lay becalmed in the Bight of Leogane, off the north shore of the island of Gonaive, with a convoy of four merchantmen. The schooner was commanded by Lieutenant William Maley, and her first lieutenant was David Porter, who had been promoted and transferred from the Constellation. The crew of the Experiment numbered seventy. Consul-General Stevens was a passenger on board, and the next day made a report to Commodore Talbot, which tells this story: —

"At 7 o'clock in the morning, being becalmed in the middle of the channel, . . . we were attacked by ten barges manned with negroes and mulattoes and armed with muskets, sabres, and boarding pikes. Several of the barges carried cannon of four pounds and swivels in the bow; and from the most accurate calculation I could make, the whole number of people on board of them amounted to about four or five hundred, the larger ones carrying 60 or 70 and the smaller ones 40 or 50. They rowed towards us with great eagerness from Trou Covert [a small islet] until they came within long gunshot of the convoy,

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when they divided into several small squadrons with intention to board each of the vessels. Captain Maley had made the best possible arrangement for receiving them. The guns of the Experiment being sealed and her ports shut, they could not distinguish her from the merchantmen under her convoy, but approached her with the same degree of boldness that they did the rest. When they came within musket-shot of the convoy they commenced a very heavy fire from their great guns and musketry, which was instantly returned by the Experiment, the brig Daniel and Mary, and the schooner Sea Flower. Our grape-shot and small arms made dreadful havoc among them, and obliged them to retire out of the reach of our guns. In this situation they lay on their oars for the space of half an hour, examining us and consulting what measure they should adopt.

"They then rowed towards the island of Gonaib, fired a gun, and were joined by some other barges from the shore, which took out the dead and wounded from those that had been in the engagement and brought off a reinforcement of men. After they had continued thus recruiting their forces for an hour and a half, they hoisted their masts and sails and divided into three squadrons of four barges each. The centre division, consisting of the largest barges, displayed red pendants from the mast heads, while the van and the rear kept the tri-colored flag still flying. In this order they rowed towards our bow with great boldness and velocity; and from their

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manœuvres we could plainly perceive that this attack was meant for the Experiment and her alone, and that they were determined by one vigorous effort to board and carry her. During their approach Captain Maley made a very judicious arrangement of his force. He placed a very strong body of musketry on the forecastle and another on the quarter-deck. The oars on both sides were manned to bring her starboard and larboard broadside to bear as occasion might require, the boarding nettings hoisted and the great guns all loaded and ready for action. As soon as they came within half musket-shot of the Experiment the van and centre of this little fleet ranged themselves on each side of us, whilst its rear attacked us on our bow. They then commenced a brisk and well-directed fire on all sides, accompanied with shrieks and menaces. The guns of the Experiment, however, being well served and the fire of the marines continuing with great steadiness and activity, we at length succeeded in driving them off after a smart action of near three hours.

"In this second attempt two of the barges were sunk and a great number in the others killed or wounded. I am sorry, however, to add that during the heat of the engagement and while they attempted to board us on all sides, two of the barges left the fleet, sheltered themselves from our guns behind the schooner Mary, Captain Chipman, and the brig Daniel and Mary, Captain Farley, and attempted to take them. The first barge accomplished

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its object, boarded the Mary and inhumanly murdered Captain Chipman, being the only person found on deck, as the rest of the crew had either secreted themselves in the hold or jumped into the sea. The other was sunk in the act of boarding the Daniel and Mary by a well-directed shot from the Experiment which passed between the masts of the brig. As soon as it was perceived that the Mary was taken a few rounds of grape-shot were thrown on board her, which quickly dislodged the pirates and obliged them to abandon her before they had time to do more than plunder the cabin. After the second attack the barges rowed towards Gonaib, again landed their killed and wounded and took in another reinforcement. They continued in this position for some time, laying on their oars and carefully watching our motions. As the calm continued it was impossible for the Experiment to pursue them or for the vessels under convoy to escape. About four o'clock in the afternoon, observing that the current had carried the brig Daniel and Mary and the schooner Washington nearly out of reach of our guns, they rowed off a third time with a determination to cut off these two vessels. This being perceived by Captains Farley and Taylor, commanders of the brig and schooner, they came to a resolution to abandon their vessels. They were induced to do so in consequence of their crews refusing to defend themselves and from being too distant to be protected by the Experiment; they therefore

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came on board of the armed schooner with their crews and passengers. They had scarcely left their boats when the barges boarded their respective vessels and towed them off in triumph. Every effort was made by Captain Maley to save them, but without effect; by means of his oars, however, he got near enough to reach the barges with his round shot, which did them considerable damage. Observing this they detached two of their number to some distance from the brig and schooner, either to prevent us from following them or to capture the two remaining vessels that were still under convoy of the Experiment, should she continue the pursuit. Captain Maley judged it therefore most prudent to remain by them; the calm still continuing, it was very uncertain whether he could have reached the two vessels that were already taken, while on the other hand, had he continued the pursuit he must have subjected the other two to certain capture.

"During the first and second actions with the barges the Experiment suffered in her spars, rigging, and sails; fortunately no person was killed on board of her, and only two slightly wounded. Lieutenant Porter received a slight contusion from a musket ball in his arm, and a French passenger was struck in the breast with a spent ball. I cannot too much applaud the intrepidity, good conduct, and activity of Captain Maley, his officers and men, during the several actions in which the Experiment was engaged. By their persevering exertions the schoon-

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ers Sea Flower and Mary were saved; and even the Experiment herself preserved from capture. Surrounded as these vessels were by superior numbers, in a perfect calm and attacked on all sides without being able to bring the guns of the Experiment to bear on the greatest part of the enemy, it is really surprising that any of them escaped. The murder of the unfortunate Captain Chipman and the loss of two of the convoy are circumstances much to be regretted; but were, notwithstanding, inevitable; the barges were so numerous that it was next to impossible to prevent them from boarding some of those vessels. Had Captain Farley and Captain Taylor remained on board the schooner and brig, it is highly probable that both they and their crews would have been put to death, and it is but doubtful whether, after all, their vessels could have been preserved; it was therefore prudent in them to retire." [1]

The Experiment with the remnant of her convoy at last succeeded in making a port at Leogane, not far from Port Republicain. She had expended nearly all her grape-shot, and Consul Stevens was able to borrow a supply of General Toussaint, also a long six pounder to serve as a stern chase. Stevens was informed that, in the vicinity of their action with the picaroons, there were as many as thirty-seven of Rigaud's barges manned by more than fifteen hundred men.[2]

[1] *Mass. Spy*, March 5, 1800. [2] *Ibid.*

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Commodore Talbot reported, February 12, that he had directed a frigate and a small vessel to cruise in the Bight of Leogane, and urged that merchantmen should never venture in those waters without protection. He said that no American vessel had been captured on the San Domingo station except in the bight, "along the shores of which, particularly near St. Mark's, those piratical boats are closely concealed in the creeks and among the bushes, so that no one on board a vessel going along the channel can discover them, while from the lookouts on the hills the enemy can perfectly well observe everything that passes by. If a vessel is becalmed, and which perhaps is more commonly the case in this bay than in any other part of the West Indies, those boats will be sure to come out in all directions from their hiding-places to attack such vessel; and it has been shown by the gallant defense lately made against them by Lieutenant Maley in the United States schooner Experiment, when attacked by eleven of those armed boats, that perfect protection cannot be extended to a whole convoy against those boats in such a long and flat calm as that which was then experienced."[1] Talbot's advice to merchantmen was sometimes disregarded, and they imprudently risked their lives and ships. In March a schooner from Charleston was captured, and the crew, nine in all, taken ashore on Gonaive. The captain and two men escaped, one of them not until he had seen three of

[1] *Columbian Centinel*, March 29, 1800.

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his shipmates shot down. The next day the captain returned and found the bodies of six of his men. He was fortunate enough to find a boat and escape from the island. In some cases the pirates were more merciful and spared the lives of their captives.[1]

From the foregoing it would appear that Lieutenant Maley deserved only praise for his conduct in this fight of the Experiment with picaroons. From other sources, however, quite a different impression is derived. When the barges appeared it is said that Maley, hopeless of contending against such odds, was inclined to surrender. At this Porter and the other officers protested, whereupon Maley turned the command over to Porter and took no part in what followed. Admiral Porter observes that, aboard the vessels of the navy in the West Indies at the time, "Lieut. Porter was unanimously applauded for the determined stand he took against the weakness of his commanding officer. This case shows the necessity of firmness in time of danger; and of not yielding until forced by superior numbers to do so. Many a timid man has yielded to an imaginary superiority, when even a *show* of resolution would have given him the victory. No commander has any right to surrender his ship when his officers and crew demand the right to defend her; and no government will ever consider the protests of officers, under such circumstances, as insubordination. No man has the right to disgrace a ship's company

[1] *Mass. Spy*, May 7, August 20, 1800.

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by surrendering (without striking a blow) against the judgment of all hands. Perhaps this doctrine may not be in accordance with strict naval discipline, but I will venture to say it will be approved by all brave men, in and out of the navy. Had Lieut. Porter been unsuccessful, he would not have been condemned. . . . One of the officers of the Experiment, Joshua Blake, writing to Commodore Porter nearly forty years after the affair, uses this language: 'At that time and ever since I considered the safety of the vessel and the honor of the flag mainly to have depended on yourself, and that our situation would have been desperate indeed, had you been so disabled as to have been off duty.'" [1]

Notwithstanding the unequivocal testimony of Consul Stevens, it is evident that Maley, either by his conduct on this occasion or otherwise, had lost the confidence of his subordinates. The Secretary of the Navy wrote to the President, July 12, 1800: "But the complaints against Maley are of such a nature that it would be improper to suffer him to command her [Experiment] before he is acquitted by a Court Martial." [2] The President replied, July 23: "Nothing affects me so much as to see complaints against officers who have distinguished themselves by their vigilance, activity, and bravery in the service, as Maley has done; but the complaints must not be rejected without inquiry." [3] It does not

[1] *Porter*, pp. 29–32.
[2] *Letters to President*, 80.
[3] *Adams*, vol. ix, p. 64.

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appear, however, that Maley was ever called to account.

In May the Experiment seized the Danish schooner Mercator entering the port of Jacmel. Lieutenant Maley suspected this vessel of being French, and ordered her to Cape François for examination by Commodore Talbot. On the way she was captured by an English privateer, taken to Jamaica, and condemned as a prize. It was determined by the Supreme Court of the United States that the seizure of the Mercator by the Experiment was illegal.[1] Maley continued in command of the Experiment until summer and then was relieved by Lieutenant Charles Stewart, who was detached from the United States after her return from France. Maley resigned his commission in the navy in November, 1800.

The schooner Enterprise, Lieutenant John Shaw, began her career with promise of usefulness, though with no such stirring incident as had fallen to the lot of her mate the Experiment. The story of her first month's service is told in a private letter. "On the 17th December we left our capes with a moderate breeze from the S. W., but it shortly increased to a violent gale accompanied by quantities of rain, and having a new vessel and raw hands, had soon many difficulties to encounter. We lost one man overboard besides springing our foremast, but had it condemned by a surveyor as being unfit

[1] *Cranch*, vol. iii, p. 458; *Claims*, pp. 332, 358, 418.

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to proceed to sea with. On the 19th January procured another mast in Martinico, and proceeded to St. Kitts with a convoy of 15 sail. Hauled up for a brig we saw under Guadaloupe, which showed a Swedish jack. As we had every reason to suppose her a French vessel, beat all hands to quarters, the usual mode we adopt on seeing a strange sail. We gave her a gun, showing our colors, but she kept her wind to the southward until we had fired 14 shot at her, when she hauled down her colors and came under our lee. She proved to be a Swedish brig of twenty 12-pounders and 90 men. After examination let her proceed. On the 19th were ordered out on a cruise. On the 22d recaptured the schooner Victory with a valuable cargo from Norfolk bound to Antigua, five days in possession of the French. On the 24th recaptured the brig Androscoggin of Topsham, six days in possession of the French. They both arrived safe in St. Kitts. On the 26th inst. we proceeded to Curracoa with dispatches from Commodore Truxtun to Captain Baker of the Delaware. She is in port with many of her men sick." [1]

The Insurgente being disabled by the condition of her foremast,[2] Captain Murray determined to fill her place in some degree by employing the brig Conquest of Italy, recently captured by the Connecticut, as a cruiser during repairs on the frigate.

[1] *Gazette of U. S.* March 28, 1800.

[2] See above, p. 128.

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He put on board of her as commander his second lieutenant, James P. Watson, with some of the best midshipmen and thirty men, the number to be increased later. She cruised several weeks, part of the time in company with the Insurgente after the frigate's repairs were completed. The Conquest of Italy recaptured an American vessel from the French. On January 31, 1800, the Insurgente and her consort fell in with the Constellation, and Murray was informed by Commodore Truxtun that orders were awaiting him at St. Christopher. He at once proceeded to that place, where he found instructions from the Secretary of the Navy sending him to Jamaica, where he was to receive a large sum of money for the government. On the way thither he again fell in with the Constellation, much crippled from a recent action with a French frigate.[1] They sailed in company, making slow progress on account of the Constellation's condition, and arrived at Jamaica February 8. Not finding all the money he expected, Murray soon set out for Havana. He wrote February 27, shortly before reaching that place: "I counted upon making the passage here in five days and I have been fourteen beating against heavy gales from the north to W. N. W., most of the time under close reefed topsails, but was happy to find the ship made fine weather of it and stood the gale admirably." The Insurgente

[1] See below, pp. 163, 176.

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soon sailed for the United States, and arrived at Baltimore about the middle of March.[1]

The Congress, Captain Sever, and the Essex, Captain Preble, set sail from Newport January 9, 1800, with a convoy of three vessels bound for the East Indies. The object of the voyage was to protect American shipping in the east from French privateers, which were said to be active there, and to give convoy to such vessels as desired to return home. The three merchantmen bound out, being dull sailers, were soon dropped behind and lost sight of. Five days out it blew hard, and the frigates became separated. The experiences of the Congress are told in Captain Sever's report, dated at sea January 14, 1800: "On Saturday the 11th the wind veered to the southward and came on to blow very fresh, attended with warm rain and a heavy sea; this weather produced an astonishing effect on my rigging (which had previously been in very good condition), it stretching so much as to induce apprehensions for the safety of the masts. The weather being such as to preclude the practicability of setting it up, I caused the tackles to be got up to succor the masts and the rigging to be swiftered [tightened], but unfortunately every step taken to support the masts proved futile. On Sunday morning the 12th, it blowing hard and a heavy sea running, at half-past six

[1] *Nav. Aff.* vol. i, p. 72; *Mass. Mercury*, February 21, 1800; *Columbian Centinel*, March 26, 1800; Murray's *Letter Book*, 36, 54 (January 3, February 27, 1800).

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the mainmast sprung about eight feet above the upper deck. I immediately caused the main yard to be lowered down (the top-gallant yard having previously been sent down and the top-gallant masts housed); on consultation with the officers it was decided, as affording the only probable means of saving the mainmast, to endeavor to cut away the main-topmast. This was immediately attempted, Mr. Bosworth, my fourth lieutenant, with four or five smart, active men going into the top to perform the service; while in its execution the mast unfortunately gave way and in its fall involved the loss of that active, deserving officer; the other men who were aloft and engaged in the same services were all happily saved. The fall of the mainmast carried away the mizzen-topmast with the head of the mizzenmast. Being under an apprehension that from the roughness of the sea the hull of the ship might be essentially injured by the action of the wreck, was induced to clear it from the ship with all possible expedition, by which means a very small part only of the rigging and sails attached to those masts were saved. I now turned all my attention to, and made use of every practicable exertion to preserve the foremast; the wind still continuing to blow hard with a very heavy sea and the ship from the loss of her after-masts laying in the trough and laboring very much, at half-past 12 she rolled away her foretopmast, soon after which it was discovered that the bowsprit was very badly sprung just without

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the gammoning. I immediately caused the jib-boom to be rigged in and endeavored to secure the bowsprit by strong lashings round the heel of the jib-boom, at the same time getting up tackles to the foremast head to secure the mast (which was already sprung) and to relieve in some measure the stress upon the bowsprit caused by the fore and fore preventer stays. It is with great regret I am to add that all my endeavors proved of no farther consequence than probably to retard for a very little time what eventually took place, as at half-past 3 P. M. the bowsprit gave way and at the same instant the foremast went over the side, leaving us totally dismasted and with the loss of the principal part of the sails and rigging, which in our then situation it was not practicable to preserve." [1]

The Congress "was left to the mercy of the gale for some hours, until arrangements were made that enabled a small sail to be set, under which she was put before the gale until it moderated." It was of course necessary to return to port, and she succeeded in reaching Hampton Roads February 24. Captain Sever was exonerated from blame by a court of inquiry. The frigate's cruise to the far east was abandoned and after refitting she was sent to the West Indies.[2]

The Essex continued the voyage alone and car-

[1] *Columbian Centinel*, March 19, 1800.

[2] *Morris*, pp. 10, 11; *Mass. Mercury*, March 18, 1800; *Salem Gazette*, March 18, 1800; *Columbian Centinel*, June 18, 1800.

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ried out as far as possible the intentions of the government. She was the first American national vessel to display the flag beyond the Cape of Good Hope. The story of this interesting cruise is told in Captain Preble's journal and reports and in the ship's log. January 12 he writes: "Strong gales, by S. E. to S. W. and rain, under reefed foresail, close-reefed maintopsail, mizzen and forestaysails. At 4 P. M. took in the maintopsail and set the storm mizzen staysail. The Congress S. E. by E. two miles. At 4½ P. M., considering the bowsprit to be in danger, I bore away for a few minutes to take in the fore-topmast staysail to save the ship forward; at the same time hauled down the mizzen staysail, the wind blowing with great fury. At this time lost sight of the Congress, our rigging being so slack as to make it impossible to carry sail to keep up with her, without hazarding the loss of our masts." The next day the wind moderated, but a heavy sea continued. In the case of the Essex, as in that of the Congress, the rigging had been set up in cold weather, and a warm storm in the Gulf Stream made it dangerously slack. January 24, in the evening, the lieutenant on deck "informed me the mainmast was sprung between decks. I ordered the maintopsail to be taken in. Examined the mast and found it very badly sprung about three feet above the wedges. Got down the top-gallant yard and masts. Took in the mainsail and set up the weather shrouds; then got the mainyard down and took every precau-

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tion to ease the mast and secure it until morning. At 6 A. M. the carpenters were all set to work preparing fishes for the mast. Carried away two of our main shrouds; got up others to replace them." The ship crossed the equator February 7. A week later "John Wells and Daniel Woodman, two able seamen, fell overboard and were both drowned, although every exertion was made to save them." March 11, the Essex anchored in Table Bay, Cape of Good Hope, where she found a British squadron of seven vessels.[1]

Two days after his arrival Preble wrote a report to the Secretary of the Navy, in which after mentioning the accident to the mainmast and various other mishaps he says: "These disasters lengthened my passage considerably and will detain me here at least ten days from the day of my arrival, as considerable iron and wood work is to be done to the masts, a complete gang of new shrouds to be fitted, and water to fill. I begin to fear some accident has happened to the Congress, and if she does not arrive by the time I am ready for sea, I shall not wait a moment for her, but make the best of my way to the port of destination, and as the Essex is a remarkably fast sailer, I am in hopes to reach it in season to answer the object government had in view in sending me out. . . . The Essex is much admired for the beauty of her construction, by the officers of the British navy. The day after my

[1] *Essex*, pp. 49–67.

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arrival one of the Captains of the men-of-war waited on me on board the Essex with their compliments and congratulations, and I was invited to dine with the Admiral. On the day following I received the same attention from the Governor. They both appeared to be disposed to render me every service in their power and to make my stay here as pleasant as possible. I have this day been presented with a paper from Bombay which contains the order of the Governor of the Isle of France for the confiscation of all American property, which I enclose you. I am told here the French have several privateers about the Straits of Sunda and I am in hopes the superior sailing of the Essex will enable me to pick up some of them; every exertion shall be made use of for that purpose." March 25 he wrote to the secretary: "The conduct of the Army and Navy and of every branch of this government has been uniformly friendly and obliging. They have treated me with distinguished attention and have uniformly tendered their best services. The Essex is now completely equipped, and as I have heard nothing of the Congress I shall proceed to sea to-morrow to carry into effect the orders of the President." Leaving a letter for Captain Sever, Preble set sail and doubled the Cape of Good Hope March 28.[1]

Nothing of interest then occurred until they arrived in the vicinity of the Straits of Sunda, when

[1] *Essex*, pp. 67–69, 86–90.

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on May 6 the Essex recaptured "an American ship condemned at the Isle of France and bound to Batavia, commanded by a Frenchman." On the 14th, before going into Batavia, Preble wrote to the governor-general of the Dutch Indies announcing his arrival and saying: "I shall salute the Dutch flag at Batavia with sixteen guns, if your Excellency will do me the honor to order an equal number returned. Without being assured of this, I am not at liberty to salute the flag of any nation whatever." The next day he anchored in Batavia roads and the salutes were exchanged. Preble was cordially received by the governor. Most of the time during the next six weeks was spent in cruising about the Straits of Sunda and in collecting the convoy for the voyage home. The merchantmen were impatient to get away. In his next report, dated August 6, Preble says: "On the 15th of June I delivered signals and instructions to fifteen vessels, being all that were bound to the United States and all except three at Batavia. The 16th I moved the Essex down to Onrust and the 19th weighed anchor and sailed with thirteen ships and brigs under convoy, the other two concluding to join me below. The 21st a Dutch proa came alongside with the master, supercargo, and part of the crew of the American Ship Altenamak, of and from Baltimore, bound to Batavia. She was captured at the entrance of the Straits the 15th by a French Corvette of 22 guns and 250 men, which arrived in the Straits on that

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day from the Isle of France. Four other privateers were to sail for the Straits after her, one of them a ship of 32 guns. I continued to proceed down the Straits, making slow progress with the wind constantly ahead. 22d, anchored the Fleet in Anjer Roads, wind directly contrary and very light breezes, the French Corvette in sight hovering about the Fleet. At 1 P. M. I gave chase to her, which was continued until dark, but the lightness of the wind enabled her to make use of her sweeps to such advantage as to escape, and I returned to the Fleet again. 24th, a Dutch proa came alongside, by which I received information of the arrival in the Straits of a French ship of 32 guns and much crowded with men. The Dutchman that commanded the proa had been on board of her the day before, and I suppose she must have passed the convoy in the night, as she stood over towards the coast of Sumatra. This ship the Dutchman declared to be a frigate from France, and which had only touched at the Isle of France. At 10 A. M. the French Corvette in sight approaching the Fleet at anchor under Java shore between Anjer and Pepper Bay, very light winds, almost calm. At noon, the breeze increasing, I weighed anchor and gave chase, which continued until 5 o'clock in the evening, at which time I had gained so much on her that nothing but its falling calm and the assistance the Frenchman received from his numerous sweeps saved him from capture; had there been only a moderate breeze I must have

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taken him. For want of wind I was not able to join the Fleet again until the next morning. . . . The 30th one of the vessels left at Batavia joined me, the master of which informed me that the other ship . . . would not be down to join the convoy. . . . The 1st of July, having completed their stock of water, I proceeded to sea with fourteen sail under convoy, as per list enclosed." The list shows eight ships and six brigs, only one of them unarmed. One ship of over a thousand tons, the China of Philadelphia, carried a hundred and fifty men and thirty-six guns, probably small ones. "It is singularly unfortunate for the American trade that the Congress did not arrive at Batavia, as in that case she could have convoyed the Fleet home and I might have been left to clear the Straits of those pirates, but now they can do as they please, as they have no force opposed to them, the English squadron having left the station. I fear every merchant ship that attempts to pass the Straits will fall a sacrifice. The necessity of a constant protection of our trade in the Straits will, I presume, be sufficiently apparent." Two days before sailing the Essex "spoke the Ship Columbia, 109 days from the Capes of the Delaware, who informed us that the Congress was dismasted after parting with us and arrived at a southern port." [1]

The convoy required a good deal of attention from the Essex, as a few extracts from the frigate's

[1] *Essex*, pp. 69–78, 91–97.

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log will show. "July 4. Sent Surgeon's mate on board the Smallwood. . . . At half-past 4 P. M. made signal 83. Hoisted colors and fired a salute of sixteen guns. At 8 P. M. gave chase to a strange sail, which proved a Danish ship from Copenhagen bound to Batavia. July 7. Took the Brig Delaware in tow. July 16. At midnight hove to for the Smallwood to come up. July 17. Sent a boat by request of Capt. Sandford to the Smallwood and found that four of the men we loaned to the 'S.' had mutinied. . . . Had them brought on board, whipped at the gangway and put in irons, and sent three other men to the Smallwood. July 18. Fired a blank gun to bring to one of the Fleet. She not regarding it, fired another with shot, which had the desired effect. July 23. Continue to keep the Brig Delaware in tow. July 26. Spoke the Brig Exchange in trouble, nearly all her men sick. Sent the Doctor's mate on board and three men for his assistance. July 31. Brig Lapwing informed us there was a French ship in the Fleet. Hove to and make signal for the Fleet to do the same. The Ship Dominick Terry made signal of distress. Hoisted out the cutter. It appeared the ship Dispatch had run into the D. Terry and stove her larboard bow in. Gave her assistance. August 2. All the Fleet in sight. August 5. Peter Anderson, who belonged to the main top, starboard watch, died. Committed his body to the deep. August 7. The Ship Dispatch and Brig Lapwing asked permission and left the Fleet, having given

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up their signal books. August 14. John Bailey, able seamen, and Charles Gardner, supernumerary, died and were buried in the sea." A day or two before this the fleet had been scattered by a heavy gale. The Essex passed the Cape of Good Hope August 27 and arrived at St. Helena, the appointed rendezvous, September 10, having seen only three of the convoy since the gale. In the course of the next two weeks nine of the vessels turned up, and September 26 the Essex got under way with seven of them, the other two having sailed in advance. Without further adventure the frigate arrived at New York November 28, 1800.[1]

On account of short enlistments the cruisers in the West Indies were obliged from time to time to return to the United States to recruit new crews. It was impracticable, therefore, always to keep on the different stations as many vessels as were necessary fully to protect commerce from French privateers, especially those of Guadeloupe, which were numerous and active.[2] Conditions about Porto Rico were unsatisfactory early in the year. The Secretary of the Navy, replying February 6 to complaints of inadequate protection in the vicinity of Porto Rico, said that for the previous six months there had always been from five to nine vessels on the Guadeloupe station and nearly as many at San Domingo, and that the commanding officers of both stations

[1] *Essex*, pp. 79–85, 97–100 ; *Salem Gazette*, November 18, 1800.
[2] *Nav. Chron.* p. 166.

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had "constantly acted under instructions to pay great attention to Porto Rico, to scour the coast frequently, and to keep always one cruiser out at least in this service. In addition to this I have sent from this country in September, October, and November three vessels to cruise each one month about Porto Rico. . . . It is more difficult to guard against privateers from Spanish than from French Ports."[1] Captain Russell, cruising off San Juan in the Herald, wrote January 25: "I have the honor to inform you that on the 21st inst. at 6 o'clock A. M. I saw a sail in the N. W. quarter, to which I gave chase and at 9, after firing seven shot at her, brought her to. She proved to be a French privateer called La Mutine, commanded by Capt. Lauger, from St. John's, Porto Rico, and had been out 14 hours; she mounted 6 guns, 12 and 4 pounders, with 60 men half French and half Spanish."[2]

Commodore Truxtun arrived at St. Christopher January 21, 1800, and took command of the Guadeloupe station. After this, he says in a report written about two weeks later, "I made every exertion in my power to get the squadron as well as my own ship to sea in the shortest time possible; and gave all the commanders of the different vessels orders to cruise separately in certain situations. . . . On the 30th I left St. Christopher's with the Constel-

[1] *Gen. Letters*, vol. iii, 148, Stoddert to C. Goodrich (February 6, 1800).

[2] *Columbian Centinel*, March 19, 1800.

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lation in excellent trim for sailing and stood to windward in order to occupy the station I had allotted for myself, before the road of the enemy at Guadaloupe, where I was informed a very large and heavy frigate of upwards of fifty guns was then lying; and early on the next day I fell in with L'Insurgent, Captain Murray, and the prize brig Conquest of Italy, that had been fitted out to cruise with him in those seas. After a short interview with Captain Murray, I requested him to proceed to St. Christopher's," where he would find orders awaiting him. Murray "immediately made sail to leeward and I continued plying to windward." The next morning, February 1, Truxtun sighted a sail in the southeast, to which he gave chase.[1]

The official account of the day's events is taken from Truxtun's journal, dated February 1 and 2. He says: "At half-past seven A. M., the road of Basseterre, Guadaloupe, bearing east five leagues distance, saw a sail in the southeast standing to the westward, which from her situation I at first took for a large ship from Martinico and hoisted English colors, on giving chase, by way of inducement for her to come down and speak me, which would have saved a long chase to leeward of my intended cruising ground; but finding she did not attempt to alter her course, I examined her more attentively as we approached her and discovered her to be a heavy French frigate mounting at least fifty-four guns. I imme-

[1] *Nav. Aff.* vol. i, p. 72, Truxtun to Stoddert (February 3, 1800).

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diately gave orders for the yards to be slung with chains, topsail sheets, &c., stoppered, and the ship cleared ready for action, and hauled down the English colors. At noon the wind became light and I observed the chase, that we had before been gaining fast on, held way with us, but I was determined to continue the pursuit, though the running to leeward I was convinced would be attended with many serious disadvantages, especially if the object of my wishes was not gratified. At one o'clock P. M. the wind being somewhat fresher than the noon preceeding and an appearance of its continuance, our prospect of bringing the enemy to action began to brighten, as I perceived we were coming up with the chase fast and every inch of canvas being set that could be of service, except the bag reefs which I kept in the topsails, in case of the enemy, finding an escape from our thunder impracticable, should haul on a wind and give us fair battle; but this did not prove to be her commander's intention. I however got within hail of him at eight P. M., hoisted our ensign and had the candles in the battle lanterns all lighted and was in the lee gangway ready to speak him and to demand a surrender of his ship to the United States of America, when at that instant he commenced a fire from his stern and quarter guns directed at our rigging and spars. No parley being then necessary I sent my principal aide-de-camp, Mr. Vandyke, to the different officers commanding divisions on the main battery, to re-

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peat strictly my orders before given, not to throw away a single charge of powder and shot, but to take good aim and to fire directly into the hull of the enemy and load principally with two round shot and now and then with a round shot and a stand of grape, &c.; to encourage the men at their quarters and to cause or suffer no noise or confusion whatever, but to load and fire as fast as possible when it could be done with certain effect.

"These orders being given, in a few moments I gained a position on his weather quarter that enabled us to return effectually his salute, and thus as close and as sharp an action as ever was fought between two frigates commenced and continued until within a few minutes of one A. M., when the enemy's fire was completely silenced and he was again sheering off. It was at this moment that I considered him as my prize and was trimming in the best manner I could my shattered sails when I found the mainmast was totally unsupported with rigging, every shroud being shot away and some of them in many places, so as to render stoppers useless, which in fact could not be applied with effect. I then gave orders for all the men to be sent up from the gun deck to endeavor to secure the mast, in order that we might get alongside of the enemy again as soon as possible; but every effort was in vain, for it went over the side in a few minutes after and carried with it the topmen, among whom was an amiable young gentleman who commanded the main top,

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Mr. James Jarvis, son of James Jarvis, Esq., of New York. This young gentleman it seems was apprised of his danger by an old seaman, but he had already so much the principle of an officer engrafted on his mind, not to leave his quarters, that he replied if the mast went they must go with it, which was the case and only one of them was saved. . . . As soon as the mainmast went, every effort was made to clear the wreck from the ship as soon as possible, which was effected in about an hour, and as her security was then the great object, it being impossible to pursue the enemy I immediately bore away for Jamaica for repairs, &c., finding it impracticable to reach a friendly port in any of the islands to windward." [1]

One of the Constellation's lieutenants, writing February 3, gives some additional details. "I am safe after a severe action of five hours broadside and broadside with a French fifty gun ship. We chased her from eight in the morning of the first until about a quarter before eight in the evening, when we brought her to action, and a very severe cannonading commenced from both ships and continued till half-past twelve at night, when the

[1] *Nav. Aff.* vol. i, p. 72; *Nav. Chron.* pp. 166–168; *Naval Temple*, pp. 265, 266. In most of the accounts of this battle a mistake in the date is made by confusing the civil day and the nautical day (which begins twelve hours earlier), the latter being used in Truxtun's journal. The chase is thereby made to last twenty-four hours longer than was actually the case. The chase began at 7.30 A. M. February 1 and the fight ended at 1 A. M. February 2, less than eighteen hours in all. See Appendix VI.

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enemy's battery was silenced (except the two aftermost guns); ours continued with increased vigor. She then sheered off perfectly beaten. We took the weather gauge and kept it during the action. The officers of divisions were ordered up and the smartest men to secure the mainmast, but it was so much shattered that before any assistance could be given it went over the side together with the mizzen-topmast, which gave the enemy the opportunity of making off. This she embraced with all possible expedition. Our following her was impracticable. One half hour's more assistance of the mainmast would to a certainty have made her our prize. Her battery was either deserted by the men or dismounted by our cannon, for it was entirely silenced at one o'clock when our mainmast went over the side. We are now running down to Jamaica to refit. You can have no idea of the figure we cut. There is not a spar or fathom of rigging abaft the foremast. We are just able, by securing the crippled foremast, to set a foresail and fore-topsail half mast. We have this day rigged a mizzen staysail from the stump of the mainmast to the head of the mizzen-mast. What is left of the latter we are now securing in its crippled state to make more after-sail. Our hull is very much battered. We had twenty wounded and at least that many killed — no time yet to ascertain accurately. The officers all escaped except a midshipman, Mr. Jarvis of New York, stationed in the main top, who went over with three

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men and was never seen afterwards. It would have been a great satisfaction to have possession of the enemy; it was only the loss of our mainmast I am certain that prevented it. She was torn all to flinders. There was hardly one shot from us that she did not receive in the hull; while she directed hers almost entirely at our rigging. We do not know what ship she is or the damage she has sustained, all the business being in the night. I do suppose there have been few such actions and I am well convinced, if we get a true account of the enemy's situation, it will be a bloody one." [1]

The French ship turned out to be the frigate Vengeance. Her commander, Captain Pitot, in his report to the minister of marine of the French Republic, says: "I have the honor to send you an account of two actions I have had on the 12th and 13th Pluviose with an American frigate, which attacked us at eight o'clock in the evening in latitude 15° 17′ North and longitude 66° 4′ West of Paris [63° 44′ west of Greenwich], and fought at first under the English flag and then the American. I am ignorant of its name. The rumor which I heard from the Governor of Curaçoa and all the information that I have been enabled to procure lead me to believe that the action took place with the Constellation, frigate of the United States, of sixty cannons and having five hundred men as a crew. She had 24- and 18-pounders in her battery and

[1] *Mass. Spy*, March 26, 1800.

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12-pounders upon her quarter-deck and forecastle. . . . Everything showed me that I must avoid an action in the position I was in and must limit myself to the defensive. I acted in consequence. After having in the first action dismantled my antagonist, I made all sail and continued my course. As to him, he could have attacked us in daylight, but he did not do so, preferring to attack at nightfall, and after having been forcibly repulsed he returned to the charge. The engagement was very exciting. In consequence of the action I was so much damaged in my rigging that I was forced to run before the wind to Curaçoa, working to bend new sails on the stumps of the masts which remained, by means of which we were enabled to reach port on the 18th of the same month. I was very well received here by the governor and the marine commandant. Each of my officers fulfilled his duty with honor, courage and talent, and I must express very great satisfaction with their conduct." [1]

Captain Pitot's unwillingness to fight unless forced to act on the defensive was attributed to the fact that he had many passengers and a large amount of specie on board. In speaking of two actions in his report he presumably meant that there was an intermission in the fight. Although apparently claiming the advantage, Pitot was said to have admitted afterwards that he hauled down his flag three times. Some years later the first lieutenant

[1] *Maclay*, vol. i, pp. 197, 198.

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of the Vengeance stated that twice or three times during the action the French colors were struck, but that as the Constellation continued her fire the Vengeance also was obliged to. On account of darkness and smoke Truxtun was ignorant of the enemy's surrender.[1]

The narrative of a passenger on the Vengeance was published a few months later. He says: "I embarked with sixty passengers on board the frigate La Vengeance of forty-two twelve pounders and three hundred and twenty men. We left Guadaloupe the 14th Pluviose last. The day after, we met the American frigate Constellation of fifty-four eighteen pounders, who gave us chase. We determined to avoid an action, but she forced us to it. The action commenced at eight o'clock in the evening and lasted five successive hours, during which we fired twelve hundred shot. The masts of both frigates fell overboard, causing in their fall a great number of accidents. All the rigging was cut to pieces and the sails torn to rags. Towards the end of the action we were within pistol shot. We had twenty men killed and forty wounded. The Americans must have had a great number more, since they first ceased to fire and left the field of battle. They had five hundred men on board. We were too much disabled to pursue them. The passengers assisted during the whole of the action. We were eight days in getting to Curaçao, completely desti-

[1] *Boston Com. Gazette*, October 13, 16, 1800; *Port Folio*, March, 1809, p. 282.

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tute of masts and sails. We heard that the Constellation got into Jamaica." [1]

There were thirty-six American prisoners on the Vengeance who had been impressed into the French service, but during the battle they were allowed to remain below. After the action they were ordered on deck to man the pumps. One of these Americans, David Smith of Salem, said that after the Constellation's mainmast fell the Vengeance fired three or four shot from her stern guns. "In the action the Vengeance had lost her mizzen-topmast. The Americans had scarcely got to the pumps when the mainmast fell and four or five men, who were in the tops, perished; Mr. Smith and another American were somewhat hurt by its fall. Immediately after, the fore-topmast fell, with the loss of three men who were upon it. The fore and mizzen masts were very badly wounded and every rope in the ship was cut to pieces and the water fast making in the hold. The pumps were cleared by the Americans as fast as possible; and the fourth day after, they arrived at Curracoa." [2]

Since her battle with the Insurgente the Constellation's battery had been changed. She now carried twenty-eight long eighteens on the gun deck and ten twenty-four pounder carronades on the quarter-deck and forecastle. The Vengeance, according to the estimate of a "highly respectable officer who

[1] *Mass. Mercury*, August 1, 1800, from a Paris paper of May 10.
[2] *Salem Gazette*, March 25, 1800.

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was on board of the Constellation during the action," mounted twenty-eight long eighteen pounders, sixteen twelves, and eight forty-two pounder carronades. The account of James Howe, an American prisoner on the Vengeance, gives her thirty-two eighteens on the gun deck, two of which were mounted in the stern, twelve thirty-six pounder brass carronades with four long twelves on the quarter-deck, and six twelves on the forecastle, fifty-four guns in all. Another report, said to be "an accurate statement," differs from the last only in the number of thirty-six pounders and twelves, which are put at eight and fourteen respectively. According to the first and lowest of these estimates the Vengeance threw at each broadside five hundred and sixteen pounds of metal against three hundred and seventy-two pounds thrown by the Constellation; and the French superiority would be increased by about forty pounds, allowing for the overweight of their shot. The Vengeance was therefore decidedly more powerful than the Constellation. The crew of the latter numbered three hundred and ten. That of the Vengeance has been variously estimated. Howe says there were four hundred men, including the passengers, who were all mustered at quarters. The Constellation lost fourteen killed and twenty-five wounded, of whom eleven died of their wounds. The casualties of the Vengeance were said to number fifty killed and one hundred and ten wounded.

[1] *Nav. Aff.* vol. i, p. 72; *Nav. Chron.* pp. 168, 169; *Cooper*,

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The Delaware was at Curaçao when the Vengeance arrived, and her commander, Captain Baker, wrote to the Secretary of the Navy February 8: "On the 5th instant appeared off this harbor a French ship of 52 guns, called La Vengeance, and from what I can learn she left Guadaloupe last Sunday, bound to France with a great deal of money, &c., on board, and also two French generals and a number of other officers and passengers; but on Monday evening she was overtaken by an American or British frigate (but generally believed to be the former) and from her shattered condition she must have had a very severe action, La Vengeance having left standing but her bowsprit, fore and mizzen mast; her fore and mizzen shrouds, ratlings, &c., being cut up so that you could scarce see any of them for stoppers. In short there appears no place that has escaped a shot; her starboard side has been much hulled and it is said she had 140 killed and wounded, and when she parted she had eight feet water in her hold. They say the other vessel was in a similar situation, and in fact that neither of them had the command of their ships. The French ship is now hauled up in the harbor and will require some months to refit, not having masts, cordage, &c., necessary for that purpose." [1]

A private letter from "a gentleman who was in

vol. i, p. 360; *Columbian Centinel*, March 5, 22, 1800; *Boston Com. Gazette*, May 5, 1800; Truxtun's report, with a list of the Constellation's casualties, was published in all the newspapers.

[1] *Columbian Centinel*, March 29, 1800.

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Curracoa at the time L'Vengeance arrived there" gives some additional particulars. "I have the pleasure to inform you that I was in Curracoa when the French national frigate L'Vengeance arrived at that place, very much shattered and scarcely an original rope left. Her mainmast, fore-topmast and mizzen-topmast gone, with sixty-six French inches of water in her hold, agreeable to her commander's own account. You may conceive her situation in respect to equipment when she was purposely run on shore to windward of the harbor to secure her entrance into that place. She had fifty-two guns mounted and supposed to have had nearly 600 men including passengers. Among whom were Generals Pellardie and Le Grande, with a number of artillery officers, which enabled the commander to station at least one of those to each gun during the action. I was in the habit of conversing frequently with Capt. Pettot. He supposed on his first arrival in Curracoa it was an English ship of two complete batteries he had engaged, and concluded from not seeing his adversary at daylight that she had sunk. The report was 114 killed and wounded. But this must be incorrect, as I am well assured there were more. Capt. Pettot spoke in high terms of the conduct and gallantry of his adversary and describes in raptures the vivid fire from the Constellation as superior to anything he had ever seen; his own words were 'Superbe et Grande,' and mentioned, when the flying jib-boom of the Constellation run

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into his mizzen shrouds, he supposed his adversary intended to board and called all his men upon the upper deck, at which moment he received a shower of grape. When Truxtun's official account came out he said nothing. His mainmast went away in the act of setting studding sails and about two hours after the action. There were thirty-five American prisoners on board, who he said saved the ship by pumping after the combat, in which they took no active part, being below at their own request. He lamented much the blood that had been spilt between two nations that he said were probably then at peace and good friends and he avoided a battle by every exertion in his power. On his mentioning this circumstance I observed that the action could not have been well avoided by his adversary. Capt. Pettot felt as an officer on the observation and acknowledged the propriety of Truxtun's conduct. The sides of the Vengeance were lined with shot, and many of them from their direction I suppose must have done great execution. The fore and mizzenmasts were perforated with round and double headed shot in such a manner as to surprise a person how they could hold together."[1]

Meanwhile the Constellation had been making the best of her way to Jamaica. The day after the battle, in an address to his officers and crew, Truxtun said: "I feel infinite satisfaction in returning my thanks to the officers of every description, sea-

[1] *Conn. Courant*, August 18, 1800.

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men, marines, and others for the gallantry they displayed on this occasion, which under a beneficent Providence has enabled me to add another laurel to the American character on the records of the Navy; and you may be assured, gentlemen, seamen and soldiers, that you shall be properly noticed to the President of the United States." In reply the officers and men presented an address to the commodore.[1] February 3 the Constellation fell in with the Enterprise, ten or twelve leagues southwest of St. Croix,[2] and this schooner was at once sent to the United States with Truxtun's dispatches. The next day the Insurgente, on her way to Jamaica, overtook the Constellation and escorted her the rest of the way. Truxtun wrote to the Secretary of the Navy from Port Royal, February 12: "I arrived here the 8th inst. in company with the Insurgente, Capt. Murray, with whom I fell in the day after I wrote you by Lieut. Shaw. Finding it impossible to get a mainmast here, I shall use every dispatch in my power to put the Constellation into a condition to proceed to the United States. I have met a kind and friendly reception from Admiral Parker. All the British post captains here have been on board the Constellation and from seeing our situation express every sentiment that could be wished by those true Americans who love their country and its honor better than anything else. I have heard no-

[1] *Nav. Chron.* p. 170; *Port Folio*, March, 1809, p. 278.

[2] *Columbian Centinel*, March 8, 1800, log of the Enterprise.

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thing of the French fifty-four gun ship since the action. It is hard to conjecture whether she sunk or whether she has got into St. Thomas or Curracoa." [1]

After receiving temporary repairs at Jamaica the Constellation returned, about the end of March, to Norfolk, where she was refitted. Meanwhile Lieutenant Shaw, on February 23, had delivered Truxtun's report to the Secretary of the Navy. The news was greeted with delight throughout the country. Truxtun received a gold medal by vote of Congress, and that body resolved "that the conduct of James Jarvis, a midshipman in said frigate who gloriously preferred certain death to an abandonment of his post, is deserving of the highest praise, and that the loss of so promising an officer is a subject of national regret." [2]

The Adams was a fast sailing frigate and one of the successful cruisers; she took six vessels from the French altogether. Captain Morris in his report of March 8, 1800, tells part of her history. "On my last cruise, which commenced on the 24th of January and expired on the 1st of March, I recaptured the American schooner Isabella, of and from Portland, bound to Trinidad, a prize to the French corvette Le Berceau, and captured three French privateers. The first, Le Gembeau, a small boat with four swivels and nineteen men. The second, L'Heureuse Rencontre, a schooner of 35 tons, four

[1] *Gazette of U. S.* March 17, 1800.
[2] *Nav. Chron.* p. 171.

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guns and fifty men; she had taken two prizes which reduced her to 29 men, threw three of her guns, boat, spars, &c., over in the chase. The other, the General Massena, of 30 tons, six guns and 49 men, thirty hours from Guadaloupe, had taken nothing; threw four guns and boat over in the chase." After the departure of Truxtun, Morris commanded the Guadeloupe station until the arrival in May of Captain Decatur in the Philadelphia, 36. This vessel was a new frigate built by the citizens of Philadelphia under the act of June 30, 1798; she was afterwards destroyed in the harbor of Tripoli by the son of her present commander. The Adams returned to New York in July, 1800. In October she was ordered to San Domingo.[1]

Early in the year the frigate Boston captured the Deux Anges of twenty guns, "a French built, strong, fast sailing corvette letter of marque of about 400 tons"; the prize was sent into Newport. In March the Boston had an encounter with picaroons in the Bight of Leogane. Extracts from her log give a meagre outline of parts of her cruise. "March 4. Off Cape Tiburon boarded the French sloop La Fortune, bound to St. Jago, took out a quantity of cash and dismissed her. March 11. At 4 P. M. saw nine barges, full of men, from Gonaives; decoyed them by running in the guns. When

[1] *Nav. Chron.* pp. 165, 166, 174; *Gazette of U. S.* April 10, 1800; *Conn. Courant*, June 2, 1800; *Columbian Centinel*, June 25, July 26, 30, 1800.

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within shot, a fire commenced which continued five glasses. Disabled five of them, when the others made off. March 23. Off Cape Tiburon boarded and took the French sloop Happy loaded with coffee, sent her to Port Republicain, where she was sold on account of being leaky." The Boston left the station in April on convoy duty, and her place was taken by the twenty-four gun ship Trumbull. After her return the log continues: "June 9. Off Gonaives came up with a schooner of eight guns which showed Danish colors, six of which they threw overboard. Manned her from the U. S. schooner Experiment, then in company, and sent her to the Commodore for examination. Capt. Little suspected she was bound to Jeremie. June 21. Off Cape Donna Maria spoke the U. S. brig Augusta, Capt. McElroy." Shortly before this, on June 3, the Augusta had captured two French schooners off Jacmel. "June 24. In company with the Augusta boarded a French brig from Aux Cayes bound to St. Jago, loaded with sugar. Manned her and put the prisoners on board the Augusta. June 25. Being off Cape Tiburon, made sail for Boston, taking Havana on the passage." The frigate returned to her native town July 22. She had been away a year and had not been in port fifteen days in that time. The health of her crew was very good; she had had only one death. "The Boston anchored in the stream off the end of Long Wharf and saluted the town, which was answered by three cheers from citizens

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on Long and Hancock's Wharf, and returned by the crew of the frigate." [1]

The General Greene remained about six months on the San Domingo station. One of her officers wrote from Cape François April 14, 1800: "On our leaving this place in January last we were ordered by Commodore Talbot to make a cruise round Hispaniola, from which we returned but a few days since; not that it would have required half that time to have performed the route, but for the purpose of aiding General Toussaint in the capture of Jacmel. We cruised off that port a considerable time, to intercept supplies for Rigaud. This had the desired effect. Jacmel, closely besieged on the land side by Toussaint's army and blockaded by the General Greene, was reduced to a state of starvation. As a last effort they made a desperate sally in the night with intention to force Toussaint's lines, but failed in the attempt, and the whole garrison, consisting of more than 5000 men, fell into the hands of Toussaint. The capture of Jacmel is of infinite importance to the commerce of the United States to this island, as in the general opinion it will much facilitate the entire reduction of Rigaud's power. It is impossible for me to describe to you the manner in which Toussaint expressed his gratitude to Captain Perry on the occasion. We engaged three of Rigaud's forts warmly for 30 or 40 minutes, in which time we

[1] *Columbian Centinel*, March 5, May 3, June 4, July 16, 23, 1800.

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obliged the enemy to evacuate the town and two of the forts and repair to their strongest hold; this fort however soon hauled down its colors. We had got our boats out ready to take possession of the place and a number of Rigaud's cruising vessels and barges in the harbor, when a large ship hove in sight, which from her appearance Captain Perry and his officers judged to be a French frigate. It was thereupon thought prudent to relinquish the enterprise and go in pursuit of her; but on speaking her found she was indeed a French built ship, but then in possession of the British and cruising in their service. The damage we received was very inconsiderable; a few shot in our sides and some of our rigging cut away. The enemy had several men killed and wounded." Jacmel fell February 27.[1]

Soon after this the General Greene was ordered to the mouth of the Mississippi River. General Wilkinson, who commanded the army in the west, had been summoned east in 1799 to confer with General Hamilton upon the state of affairs in the southwest. Early in 1800 Wilkinson had returned to New Orleans in the Patapsco, and the General Greene was now sent to bring him north again with his family. Having received him on board, she sailed for Havana with a brig under convoy. On the way she fell in with a British seventy-four, and Captain Perry, it is said, resisted in a spirited manner the proposed forcible examination of the brig by the

[1] *Mass. Mercury*, May 27, 1800; *Columbian Centinel*, May 3, 1800.

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Englishman. From Havana the General Greene sailed for Newport with a convoy, and arrived at that place in July; she cruised no more during the war.[1]

In the spring of 1800 the Constitution was still the flagship of the San Domingo squadron. Her most notable exploit during the war was sending a cutting out expedition into the Spanish harbor of Porto Plata, on the north coast of San Domingo. Lieutenant Hull was ordered to proceed "to Port Plate and there endeavor to capture a French ship lying at anchor" and "bring her out to sea if practicable, otherwise to burn and destroy her in port." The people of the town were to be molested no more than was imperatively necessary. Commodore Talbot says in his report of May 12: "I have for some time been meditating an enterprise against a French armed ship lying at Port Plate, protected by her own guns and a fort of three heavy cannon. It was my first intention to have gone in with the Constitution and to have silenced the fort and ship, which has all her guns on one side to coöperate with the fort in defending against hostile force; but after the best information I could gain, I found it to be somewhat dangerous to approach the entrance of the harbor with a ship of the draft of water of the Constitution. Having detained the

[1] *Perry*, vol. ii, pp. 43–48; *Memoirs of General James Wilkinson*, vol. ii, ch. xi; *Columbian Centinel*, April 5, 1800; *Mass. Mercury*, July 25, 1800; *Federal Gazette*, July 24, 1800.

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ISAAC HULL

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sloop Sally, which had left Port Plate but a few days before and was to have returned there previous to her sailing for the United States, I conceived that this sloop would be a suitable vessel for a disguise. I therefore manned her at sea from the Constitution with about ninety brave seamen and marines, the latter to be commanded by Captain Carmick and Lieutenant Amory, when on shore; but the entire command I gave to Mr. Isaac Hull, my first lieutenant, who entered the harbor of Port Plate yesterday in open day with his men in the hold of the sloop, except five or six to work her in. They ran along side of the ship and boarded her sword in hand without the loss of a man, killed or wounded. At the moment the ship was boarded, agreeably to my plan, Captain Carmick and Lieutenant Amory landed with the marines up to their necks in water and spiked all the cannon in the fort before the commanding officer had time to recollect and prepare himself for defense. Perhaps no enterprise of the same moment was ever better executed, and I feel myself under great obligations to Lieutenant Hull, Captain Carmick, and Lieutenant Amory for their avidity in undertaking the scheme I had planned and for the handsome manner and great address with which they performed this daring adventure. The ship, I understand, mounts four sixes and two nines. She was formerly the British packet Sandwich, and from the boasting publications at the cape

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and the declaration of the officers, she is one of the fastest sailers that swims. She ran three or four years (if I forget not) as a privateer out of France and with greater success than any other that ever sailed out of their ports. She is a beautiful copper bottomed ship." [1]

One of the officers of the expedition, evidently Captain Carmick, in a letter to a friend dated May 12, says: "Capt. Talbot has put his plans into execution respecting the cutting out the ship. I performed my part with very little trouble. The only disagreeable part of the business was being cooped up in a small vessel for 12 hours — for we fortunately took a small American vessel that had been in the port a few days before and was to return there in a short time. By this means it was easy to take the vessel by surprise; it put me in mind of the wooden horse at Troy. We all remained below until we received orders from the officer, the only one of us who remained on the deck of the sloop, whose business it was to lay us on board, which he did on the starboard bow. The men went on board like devils and it was as much as the first lieutenant and myself could do to prevent blood being spilt. I believe it was not half an hour after the ship was taken that I had possession of the fort and all the cannon spiked and returned again on board the prize before they could get any succors from the city. I presume they were rather

[1] *Nav. Chron.* pp. 171, 172.

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surprised when they found the cannon spiked; we had then possession of the harbor. We took our time to rig the ship, as she had her topmasts down and all her sails unbent. By 6 o'clock the lieutenant had everything in order and the men stationed at the cannon, ready with my marines to oppose all their force, which we understood was about 500 men. They sent several flags of truce making different requests, to which we answered that we had only executed the orders of our commander. On shore they were not ignorant that it was impossible for us to get out until the land breeze came off, which you know is in the morning. He concluded we must have been pretty determined before we undertook the business, as we had no other alternative than to die or succeed. He however remained very quiet, and we came out in the morning and joined our commodore. The night before we performed this business, in going to Port Plate we were met at 12 o'clock at night by an English frigate who fired two shot and brought us to; we went on board and after examining us we proceeded. We suspected he was going on the same business we were upon; he will peep into the harbor La Plate to-day and find his plan frustrated."[1]

It was about noon when Hull took possession of the Sandwich, and he found her completely stripped of sails and rigging, which were stored below; only

[1] *Gazette of U. S.* June 2, 1800.

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her lower masts were standing. By sunset she was fully rigged, and only waiting for a breeze to take her out of the harbor. This capture was considered important, but unfortunately it was illegal, as the neutrality of a Spanish port had been violated. The prize was sent to New York, but it was afterwards necessary to give her up.[1]

The civil war in San Domingo continued throughout the spring. With the loss of Jacmel Rigaud's power began to wane, but Toussaint labored under many difficulties and was unable to push his advantage vigorously. In a letter to Commodore Talbot he says: "What I have said of the services rendered to me by the frigate General Greene during the siege of Jaquemel is very sincere, and it is agreeable to me to repeat it. I pay with thankfulness as well you, sir, as Captain Perry. Your good intentions for the prosperity of this colony, and that of your government, loads me with satisfaction. I beg of you to continue them and to be convinced of my zeal in keeping the harmony which so happily exists between the two nations. . . . I should have seen you with pleasure cruising with the Constitution on the station of the south; since you have reasons of such a nature as to prevent you coming that way, I depend upon your promise that you will consult the Consul-general, Stevens, in order that means may be taken to get succor to

[1] *Nav. Chron.* p. 172; *Putnam's Magazine*, May, 1853, p. 477; *Columbian Centinel*, June 4, 1800.

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our army. On my part I will communicate to him my plan on the subject and point him out my want. . . . At this moment the army of Jaquemel is in motion and surely it is in want. I am going to write to Mr. Stevens, who no doubt will communicate to you my letter and what I want. . . . You inform me, and I learn it with joy, that you have given orders to the ship Herald, of twenty guns, to join the brig Augusta and the schooner Experiment. . . . Lieutenant Russell may be assured, although I may not be present, he will obtain from the general and commandant what he may ask, either coasting pilots or anything else. I have already given orders in consequence of it. You flatter me with the hope that you are going shortly to send the Boston frigate of thirty-two guns; may you soon be able to realize it. . . . It remains, sir, to beg of you to recommend to the captains of vessels of your nation, that are going to cruise on the south side, to let pass freely the French vessels that have a passport signed by the Consul-general, Stevens, or by me. . . . On my part I have already given the most strict orders that the most perfect understanding and intelligence may exist amongst all the cruising vessels, both schooners and barges." [1]

About May 1 Rigaud was obliged to evacuate two of the ports he had held on the Bight of Leogane. This put a check to the "career of those

[1] *Talbot*, pp. 121–125.

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piratical barges which have infested the Bite, as they are now deprived of a port in the vicinity of Gonaive to fit out and resort to."[1] Rigaud still held out, retaining possession of Jeremie and of Aux Cayes and one or two other ports on the south coast. In July, however, his resources had come to an end and he was forced to capitulate. The only terms that Toussaint would grant required Rigaud's immediate departure from the island, and this was agreed to. Before the end of the month Aux Cayes was thrown open to Toussaint's army.[2] The American consul at Port Republicain wrote, August 12: "The whole island has submitted to Toussaint. Rigaud and a few of his officers have left in a boat. . . . Everything appears to be favorable to our commerce and opens a new channel for trade."[3]

Meanwhile Commodore Talbot had been relieved of his command of the squadron by Captain Murray in the Constellation. The Trumbull, Herald, and Augusta were on the station at that time. Talbot sailed for home with a convoy July 24, having received letters from Consul Stevens and from American merchants at Cape François, expressing appreciation of his services and regret at his departure. He arrived at Boston in the Consti-

[1] *Mass. Mercury*, June 17, 1800.

[2] *Salem Gazette*, September 5, 1800.

[3] *Columbian Centinel*, September 24, 1800. For letters concerning operations of the opposing forces, etc., see *Federal Gazette*, July 23, August 11, 14, 15, September 17, October 30, 1800.

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tution August 24. The Secretary of the Navy wrote to him September 3: "Your feelings as a military man might have been more gratified had opportunities been afforded you of engaging in scenes of greater brilliancy, but no services you could have rendered would have been more useful or more important to your country than those you have meritoriously performed in protecting with effect a great proportion of our commerce, in laying the foundation of a permanent trade with St. Domingo, and in causing the American character to be respected, by the just, temperate, and judicious course by which your conduct has been marked."[1]

The Constellation, having been refitted at Norfolk after her return from Jamaica in the spring, had been placed under the command of Captain Murray and sent to sea. She arrived at St. Christopher June 21, and during a few weeks' cruising on the Guadeloupe station recaptured three prizes from the French. One of these Murray believed to be an American engaged in illicit trade, but she turned out to be Danish property, and was declared by the United States Supreme Court not forfeitable. At that time there were more than sixty French privateers in the vicinity of Guadeloupe. In July the Constellation was ordered to San Domingo to relieve the Constitution. She

[1] *Nav. Chron.* p. 173; *Columbian Centinel*, August 20, 27, 1800; *Boston Com. Gazette*, September 4, 1800.

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cruised off Cape François, in the hope of capturing three French vessels which were expected soon to leave port. Murray also hoped to intercept the French frigate Vengeance when she left Curaçao, having heard she was nearly ready for sea. He found the English troublesome, and wrote to the Secretary of the Navy: "We have no enemy so much to be shunned in this quarter as the British, for they blockade all the passages and, fair or foul, let few of our vessels pass them, if they have cargoes of value, and send them for Jamaica, where the venality of the Admiralty Court gives no quarter. How long we are to bear with these aggravations I leave to wiser heads than mine to determine, but I confess I think we stand upon very critical grounds with them; but as Admiral Parker is now gone home, let us hope for a favorable change of measures." [1]

Captain Bainbridge having brought the brig Norfolk from Havana to New York in April, she was refitted, put under command of Lieutenant Calvert, and in June sailed for Carthagena. On the way she fell in with two French privateers. The first one escaped with her sweeps, the wind being light. The other was a schooner of fourteen guns and also escaped, after an action of half an hour, in which Calvert was severely wounded. The Norfolk remained at Carthagena fifteen days and then proceeded to

[1] *Boston Com. Gazette*, September 4, 1800; *Cranch*, vol. ii, p. 64; Murray's *Letter Book*, 85 (July 31, 1800).

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ALEXANDER MURRAY

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Cape François, where she arrived July 30. According to Murray she "brought such unfavorable accounts from thence of the piratical work going on in that quarter and corroborated by letters from various respectable masters and supercargoes of vessels there . . . that I have determined to send her back without delay to take them under convoy . . . and to proceed on to America with them."[1]

On August 3 the Trumbull, Captain Jewett, captured the French schooner Vengeance, of eight guns, off Jeremie. She had run out of that place when Toussaint's troops took possession. There were a hundred and thirty persons on board, including passengers, among whom were many of Rigaud's officers; also women and children. Murray described them as "of the vilest cast, a set of lawless vagabonds that the community will be well rid of in this part of the world." The Trumbull and her prize, with the prisoners, were sent to New London. The Vengeance was condemned, but on the ground that she was a national vessel she was given up under the treaty soon afterwards concluded with France.[2]

The Constellation remained on the station until about the middle of September, when having been relieved by the Congress, she sailed homeward by

[1] *Columbian Centinel*, April 23, September 24, 1800; *Independent Chronicle*, September 8, 1800; Murray's *Letter Book*, 85.

[2] *Nav. Chron.* p. 185; *Magazine of American History*, March, 1885, pp. 257, 258; *Mass. Mercury*, September 23, 1800; *Conn. Courant*, October 20, 1800; Murray's *Letter Book*, 97 (August 21, 1800).

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way of Havana. Upon taking leave Murray received a letter from Toussaint acknowledging "a grateful sense of the marks of kindness and civility you have been pleased to show me"; and expressing regret that some of the prisoners taken by the Trumbull had not been turned over to him. On her run to Havana through the Old Bahama Channel the Constellation got among shoals. The captain passed three anxious days and says he "often saw the bottom under the ship when no other land was to be seen." Murray was handsomely entertained at Havana by the governor of Cuba. The frigate arrived in Delaware Bay about October 10.[1]

In the early spring the Norfolk and Warren were on the Havana station, and there were said to be no French on the north side of Cuba. The Norfolk sailed for New York with a convoy in April. The Ganges was at Carthagena about this time, and later cruised off the north coast of Cuba. In July she blockaded a French privateer in the harbor of Matanzas. On the 28th the privateer ran out, was chased by the Ganges, and was run ashore by her crew, who escaped. The vessel was not injured and was hauled off by the Ganges. Captain Mullowny wrote to the Secretary of the Navy, July 30: "I am happy to think the coast is clear once more. I know of no privateers here at present." In September the Ganges and Warren returned to

[1] *Columbian Centinel*, November 15, 1800; *Mass. Mercury*, November 11, 1800; Murray's *Letter Book*, 117 (October 12, 1800).

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the United States, each with yellow fever on board. Captain Newman of the Warren and more than forty of his officers and crew died of the fever.[1]

Meanwhile the Guadeloupe station had been a scene of activity during the winter and spring of 1800 by reason of the irrepressible privateers which swarmed in those seas. It appears, however, that not only were many of them captured, but a large proportion if not a majority of the prizes taken by them were recaptured by the vigilant American cruisers. The Baltimore took a privateer in January and another in June, and recaptured two American vessels. The John Adams cruised off Porto Rico early in the winter. Four of her officers who went ashore to buy provisions were detained by Spanish soldiers until Captain Cross made a vigorous protest to the governor. In March the John Adams recaptured two American vessels, and April 3, near Martinique, after a chase of four hours, she captured the French privateer "La Jason, having fifty men and eight carriage guns, six of which she hove overboard during the chase."[2] In June the John Adams took another privateer and the Connecticut took two. The Eagle and Pickering likewise took prizes. There were also on this station the Philadelphia, Adams, Merrimack, Maryland, Dela-

[1] *Columbian Centinel*, April 23, 26, 30, September 17, 1800; *Conn. Courant*, September 1, 1800; *Salem Gazette*, September 12, 1800.

[2] *Conn. Courant*, June 2, 1800.

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ware, Patapsco, Enterprise, and Scammel. Curaçao and Surinam came within the limits of the station. Convoying merchantmen, often in large fleets, to home ports or into safe latitudes, was one of the most important duties of the squadron. The navy agent at St. Christopher stated, June 27, that there were only fifteen American prisoners at Guadeloupe, and these he was about to release by exchange. At the same time there were a hundred and eighty French prisoners at St. Christopher.[1]

In December, 1799, Captain Rodgers in the Maryland had been left in charge of American interests at Surinam by the departure of Captain McNeill. The Maryland was alone on this station for many months, under orders "to protect the trade to Surinam and the rest of the coast as far to leeward as Curracoa." She generally cruised to windward, and in all that time she fell in with no French. The British being in possession of Surinam, the French kept at a distance; moreover, even if they took prizes in that vicinity they could not get them into Cayenne on account of a strong current setting to leeward. Few American vessels came to Surinam at this time, for British restrictions on trade made it unprofitable. An American slaver went into Surinam and sold her slaves there, in spite of Rodgers's

[1] *Nav. Chron.* pp. 165, 166; *Conn. Journal*, February 20, March 13, August 6, 1800; *Conn. Courant*, June 2, July 28, August 4, September 1, 1800; *Columbian Centinel*, March 22, May 3, June 25, July 26, 30, August 13, 1800; *Mass. Mercury*, September 5, 1800; *Boston Com. Gazette*, July 28, 1800.

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request of the governor that he deliver the vessel into his hands or order her to sea; this traffic was contrary to the laws of Surinam as well as of the United States. Rodgers was mortified at his lack of success in meeting the enemy. The only vessel taken on the station was a Portuguese brig, recaptured. Two or three convoys were escorted to safe latitudes, and in August the Maryland started home with a fleet of twelve, which at St. Thomas had increased to fifty-two American vessels and several English. At Martinique the Maryland was joined by the Eagle. At St. Christopher the Portuguese brig was seized by order of the British admiralty court. September 2 Rodgers took an American ship for trading with the French under Swedish colors. After being delayed by a hurricane, the fleet sailed from St. Thomas September 10. The Maryland was bound for Baltimore.[1]

In spite of the difficulties of navigation on the South American coast, spoken of by Rodgers, the French cruised to some extent out of Cayenne, mostly on the coast of Brazil and to the northward and eastward.[2] American vessels seem to have been taken occasionally, and the circumstances in which their crews found themselves are indicated in an account of conditions there in the summer of 1800. "The Americans are not considered as pris-

[1] *Miscellaneous Letters*, vol. i, 146, Rodgers to Stoddert (September 20, 1800).

[2] *Misc. Letters*, vol. i, 146.

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oners at Cayenne; of course no allowance is given them nor are they entitled to an exchange. However, for the preservation of their health and good order in town, they are kept on board a prison ship with a few soldiers over them to act in the treble capacity of guards, physicians, and sextons."[1]

American interests in the Dutch island of Curaçao had long needed watching over, and one or more cruisers had been kept there most of the time since the summer of 1799, when an American schooner had been captured by a French privateer fitted out there, and her captain with some of his crew had been murdered. For this outrage complaint had been made to the Dutch minister in the United States.[2] The Patapsco, Captain Geddes, was ordered to Curaçao in May, 1800, and went from St. Christopher by way of Porto Rico; on the passage she captured a small schooner of doubtful nationality. She was at Curaçao in June, but seems not to have stayed long, and for a while American property there was without protection. July 23 a French force from Guadeloupe, consisting of two brigs and three schooners with fourteen hundred sailors and soldiers, appeared off Curaçao; several additional vessels joined them later. The French frigate Vengeance was still there, and it was thought that her crew might unite with the newcomers; but she was ready for sea and sailed not

[1] *Mass. Mercury*, October 3, 1800.

[2] *Pickering*, vol. xi, 555, 620, vol. xii, 5, 133, 185, vol. xiii, 366.

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long afterwards. The force from Guadeloupe landed, and the commander made several demands, including the surrender of the forts, which the governor refused. The town was thrown into confusion, and many people retired into the interior of the island. The French seem to have remained quiet for several weeks and maintained good discipline.[1]

September 5, having been reinforced, the French began offensive operations, took possession of one of the forts, and "intimated their designs, by a manifesto, against American persons and property." The next day the United States consul, Phillips, requested an American named Robinson to go to St. Christopher for assistance. Arriving at that place on the 14th, Robinson found the John Adams, Merrimack, and Patapsco, and returned with the two latter, appearing off Curaçao on the 22d. Meanwhile the British frigate Nereid had arrived, and on the 10th the governor had signed articles of capitulation with her captain, placing the island under British protection; but the French still controlled the situation, and the Nereid did nothing beyond landing a small number of marines. When the Merrimack and Patapsco arrived, the governor and the American consul were on board the Nereid. The French held two forts, were besieging the town, and had demanded its surrender within twenty-four hours. Their vessels, fifteen in number, were lying

[1] *Mass. Mercury*, August 26, September 9, 12, 1800; *Conn. Courant*, August 4, 1800; *Conn. Journal*, August 6, November 20, 1800.

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close under the forts. Several Americans in the town had volunteered to serve in the defenses. After consultation it was decided that the only means of saving the town and protecting American interests would be to send one of the vessels into the harbor. The Patapsco, with twenty of the Merrimack's marines on board, went into the harbor September 23. A landing party commanded by the Patapsco's lieutenant of marines supported one of the batteries in the town.[1]

A letter from one of the Patapsco's officers says: "At five in the evening we stood in, when the French opened a quick and well-directed fire upon us from a fort of two 18, one 12, and two 9 pounders within half pistol shot, and from the windows and roofs of the houses in the L'Ortha Banda, which was filled with the enemy's troops, who kept up a constant fire of musketry, which was as warmly returned from the cannon and muskets of the Patapsco; and those deluded people who escaped death returned to their camps, but at intervals engaged us all night, which we returned from our great guns." Of the Americans two only were wounded, while the French loss was believed to have been large. All the next day the French kept up a constant fire, and it was reported that they would assault the town, but instead they evacuated their batteries

[1] *Federal Gazette*, December 24, 1800, Robinson to Stoddert; *Conn. Journal*, November 20, 1800; *Salem Gazette*, December 2, 1800.

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and embarked precipitously during the night. The next morning, the 25th, the Merrimack stood in and found the French vessels gone. The Nereid then ventured in and took possession, and the capitulation went into effect. It was clear that the Americans had saved the town, and that if they had not appeared the French would have taken possession. The British captain promised to protect American interests, but his promises were not fulfilled. The Merrimack and Patapsco sailed October 11 and returned to St. Christopher. One of the vessels belonging to this expedition from Guadeloupe was afterwards captured by the Merrimack.[1]

The schooner Enterprise, after having brought home the news of the battle between the Constellation and Vengeance, was sent back to the West Indies in March, 1800, under orders to deliver dispatches to Commodore Talbot at Cape François and then return to the Guadeloupe station. In her log-book it is recorded: "April 7. Boarded the U. S. frigate Constitution. Same day spoke the U. S. ship Herald; 13. Spoke the U. S. schooner Experiment — had a French prize in tow; 14. Spoke the U. S. ship Connecticut."[2] The Enterprise was at St. Thomas May 1, and Lieutenant Shaw reported to the Secretary of the Navy: "On the 13th I fell in with the U. S. brig Augusta and

[1] *Brown*, ch. xvii; *Salem Gazette*, December 2, 1800, letter of officer on Patapsco; *Federal Gazette*, December 9, 24, 1800; *Columbian Centinel*, December 6, 1800.

[2] *Mass. Mercury*, June 6, 1800.

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schooner Experiment. Nothing particular occurred until the 23d [April], 2 P. M. saw a sail to the S. E. stand to the S. W.; made all sail and gave chase. Found her to be a brig of eighteen guns and well manned. Made every necessary preparation to engage her if a Frenchman and showed my colors, but when under her guns she hoisted the Spanish flag at the main and commenced a smart fire from her quarter and stern guns on me. Still kept ranging on her and took a position 150 yards on the larboard quarter, when I thought it was full time to return her salute. A warm and brisk fire ensued and I gained the wind on her. I should not have delayed so long bringing her to close action had I not conceived her to belong to a nation not at war with us, and that carrying her by force might be the means of involving us in some national dispute hereafter. I consulted my officers respecting her, and one of them recognized her to be a Spanish Packet from Havana. I therefore discontinued the action."[1]

Shaw wrote from St. Christopher June 21: "I have the honor to inform you that on the 17th inst. I fell in with the French privateer Le Cygne of four guns and fifty-seven men off Guadaloupe. She engaged me for twenty minutes, when she struck her colors. I have brought her in here."[2] The Cygne had come out of Basse Terre, Guadeloupe, and attacked the Enterprise while becalmed, appar-

[1] *Conn. Courant*, June 2, 1800. [2] *Ibid.* August 4, 1800.

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ently not recognizing her character. The privateer had five killed and fourteen wounded, while the American loss was one killed and two wounded.[1] About the same time the Enterprise took the privateer Citoyenne of six guns, which surrendered only after a hard fight.[2] July 26 Shaw reported: "On the 4th inst. I fell in with the French privateer L'Aigle, of ten guns and seventy-eight men. She engaged me with much spirit for fifteen minutes, when she lowered her colors. On the 23d I fell in with and captured the French privateer Flambeau, of twelve guns and ninety men. She engaged me for nearly two glasses. L'Aigle had four men killed, three wounded; Flambeau four men killed, twenty wounded. The Enterprise had two wounded in the engagement with the Flambeau." [3] In her action with the Aigle the Enterprise tacked across her enemy's wake and gave her a raking broadside; and then, running up on her weather quarter, boarded her. No further resistance was met with, as all the French officers were badly wounded, leaving the crew without leaders.[4]

The action between the Enterprise and the brig Flambeau was one of the hardest fought of this French war and ended in the capture of a vessel of superior force. The Flambeau's guns were said to

[1] *Federal Gazette*, July 24, 1800.
[2] *Amer. Nav. Off.* vol. i, p. 132.
[3] *Independent Chronicle*, September 11, 1800.
[4] *Amer. Nav. Off.* vol. i, p. 134.

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be heavier and she had more men than the Enterprise, whose crew numbered eighty-three. The combatants sighted each other to leeward of Dominica towards night, and the next morning came together. The fight lasted about three quarters of an hour, and most of the time the vessels were close hauled in a light breeze, with the Flambeau at first leading off. As the Enterprise drew nearer they began with a brisk fire of small arms. Then getting within range, they exchanged broadsides for twenty minutes. The fore-topmast of the Flambeau was injured, and in a sudden flaw of wind went overboard, carrying six men with it. As the Enterprise passed the spot she lowered a boat and saved the Frenchmen. Soon after this the Flambeau struck her colors.[1]

While under Shaw's command the Enterprise took three other French armed vessels, besides making a number of recaptures. Among the prizes was a large, three-masted lugger of twelve guns, having as passengers several army officers, including a general. At this time two American sailors were held as prisoners by the French and harshly treated on account of having killed two Frenchmen in recapturing their vessel; being later unfortunately taken again by the French. Attempts to release them by exchange had failed, and the French general and another officer were now held in confinement as

[1] *Amer. Nav. Off.* vol. i, pp. 135–137; *Federal Gazette*, August 23, 1800; *Mass. Mercury*, August 26, 1800.

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hostages. The general was finally allowed to go to Guadeloupe on parole, where he succeeded in obtaining the release of the Americans.[1]

In October Shaw's health broke down, and soon afterwards he was relieved of his command by Lieutenant Sterrett; he returned home on the Patapsco. This cruise of the Enterprise was successful and brilliant, and helped to make that little schooner one of the famous vessels of the navy. After his arrival in Philadelphia Shaw wrote, December 12: "I have in my last cruise taken thirteen sail of vessels, made 300 French prisoners, killed and wounded sixty-one men, taken forty-two pieces of artillery and 180 stand of musketry, which is really more than I could have contemplated."[2]

During the short time the Enterprise remained in the West Indies under her new commander her good luck continued. One of her officers wrote to a friend, January 2, 1801: "On the 6th of December, St. Bartholomew bearing west, distance one league, we fell in with a French privateer lugger of twelve guns and 150 men, which we engaged for four glasses within pistol shot. It being dark and close in with the rocks off the east end of St. Bartholomew, we had to beat off and leave her, by not being acquainted with that island. She ar-

[1] *Amer. Nav. Off.* vol. i, pp. 133, 137; *Federal Gazette*, November 4, 1800.

[2] *Amer. Nav. Off.* vol. i, pp. 129–139; *Conn. Courant*, December 29, 1800; *Federal Gazette*, December 8, 1800.

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rived the next day at St. Martin's, with twenty of her men killed and thirty wounded, and lost her mizzenmast, bowsprit, and topmast. We was very fortunate; we lost no men and only one wounded. On the 24th of December we captured and brought into St. Kitts the fast sailing schooner privateer L'Amour de la Patrie of six guns and ninety men. We are just weighing anchor for a cruise of twenty days; then we shall proceed for the United States as soon as possible."[1]

The Experiment, Lieutenant Charles Stewart, was ordered, July 26, 1800, to cruise off Bermuda for ten days and then proceed to Guadeloupe. Her cruise was interesting, although less notable than that of the Enterprise. September 1, having arrived on her station, she fell in with the French privateer Deux Amis, of eight guns and forty men, which had captured many American merchantmen. The Frenchmen surrendered in ten minutes. Porter, who was still first lieutenant of the Experiment, went aboard the prize with four men to take possession. Captain Stewart then sailed off in pursuit of another vessel, and Porter found himself in much the same predicament in which he had been placed with Rodgers on the Insurgente the year before.[2] The French prisoners outnumbered the prize crew nearly ten to one, and showed symptoms of insubordination. Porter secured all the small arms, ordered

[1] *Conn. Journal*, February 26, 1801.

[2] See above, p. 101.

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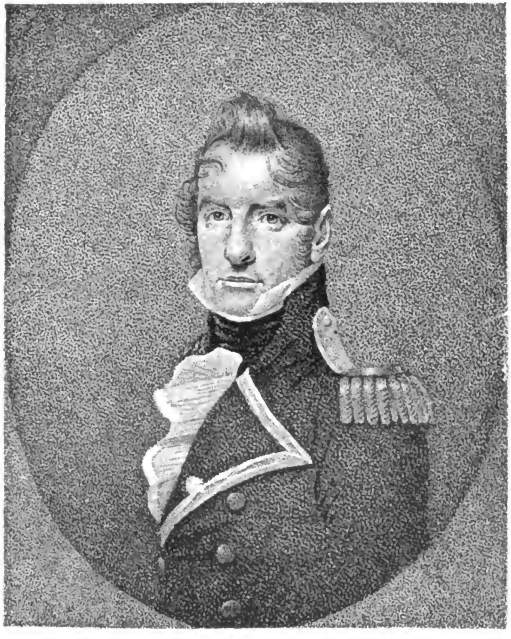

CHARLES STEWART

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the prisoners forward of a certain line, and trained one of the guns on them, loaded with canister. It was more than three days before the prize was brought into St. Christopher.[1]

A month later the Experiment made another important capture, which is briefly related in a private letter of Stewart's, dated October 3: "We cruised to windward of St. Bartholomew till the 1st of October, which day we fell in with and captured the French armed three-masted schooner Diana, out two days from Guadaloupe, laden with sugar, coffee, and cotton, bound to France under convoy of a brig of sixteen nine-pounders and 150 men. This schooner mounted eight nine-pound carronades (six of which they threw overboard in the chase), and forty-five men. On board of her we had the pleasure to find General Rigaud, commander-in-chief of the south of St. Domingo. This is the man, sir, that has wrested millions from my countrymen. The depredations, the piracies, plunder, and murders he has committed on my fellow citizens are but too well known in the United States, and now the Supreme Ruler of all things has placed him in the hands of that country he has most injured."[2] These two French vessels had chased the Experiment at first, their combined force being far superior to hers; but as she outsailed them they gave up the pursuit and ran off to

[1] *Nav. Chron.* pp. 173, 185; *Stewart*, pp. 5, 6; *Porter*, pp. 32–34.
[2] *Conn. Courant*, November 10, 1800.

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leeward. Stewart then followed them, and when they had become separated through their different rates of sailing he chased the schooner and early in the evening overhauled her. After a short resistance she hauled down her colors. The Experiment then chased the brig, but she was lost sight of in the darkness.[1] Rigaud was landed at St. Christopher, where he remained under the custody of Commodore Truxtun. The Diana was sent to Philadelphia.[2]

In November the Experiment, through mistake, had a night action with the British armed schooner Louisa Bridger, who refused to answer Stewart's hail and would not reveal her nationality until forced to yield. According to the log-book of the Louisa Bridger the Experiment "came alongside, fired a musket and ordered us to heave to or they would fire into us. Not minding this, she fired a gun at us. All hands being at quarters we engaged her for four hours, when we ceased firing, as our hull, sails, and rigging were very much injured. After this the Experiment fired two broadsides into us. They sent their boat alongside, when we learned what vessel it was."[3]

The Experiment also recaptured a number of American vessels. She continued her cruise in the West Indies until about the middle of January,

[1] *Nav. Chron.* p. 185; *Stewart*, pp. 6, 7; *Porter*, pp. 34, 35.
[2] *Columbian Centinel*, November 1, 1800.
[3] *Mass. Mercury*, December 16, 1800.

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1801, and then returned to the United States.[1] After his arrival at Norfolk Stewart wrote to a friend, February 4: "I have the pleasure to inform you of my arrival at this place after a passage of thirteen days from the city of St. Domingo. Nothing material occurred since my last letter to you until the 14th of December; on that day we recaptured the brig Zebra . . . bound to Martinico. She was captured the day before by the French privateer schooner La Flambeau. . . . I tried hard to add her to my list, but owing to the lightness of the wind and the distance she was to windward of us we could not come up with her until she reached the batteries. On the 26th of December we recaptured the brig Dove . . . [and] the sloop Lucy. . . . On the 6th of January, 1801, we left St. Christopher's with thirty sail of vessels under our convoy and on the 8th we left the fleet at St. Thomas, under the care of Captain Brown of the U. S. ship Merrimack, and proceeded to Curracoa, which place we left on the 12th for Norfolk, agreeable to my orders from Commodore Truxtun; and on the 18th made the island of Hispaniola, and on the day following I observed a vessel on the reef of the island of Saona and a signal of distress flying. I immediately went to their assistance and brought from the wreck about sixty persons, men, women, and children, also what property we could save. The vessel was called the Eliza of St.

[1] *Stewart*, pp. 5–9; *Porter*, pp. 32–36.

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Thomas, from the city of St. Domingo bound to Porto Rico with passengers. The captain, mate, and one man got into the boat and safely got ashore, when the boat immediately went to pieces; and those on board must inevitably have perished had they not met with assistance. The passengers in the schooner were the Spanish officers and their families who commanded at St. Domingo, which place is demanded by Toussaint and I suppose will be given up to him, for the Spaniards are moving their families and property as fast as possible." [1] Stewart took the shipwrecked people back to the city of San Domingo.

Having been thoroughly refitted after her accident in the winter, the frigate Congress sailed from Hampton Roads for Cape François, July 26, 1800. Apparently she cruised off the American coast for about a month. August 29 she recaptured an American brig and then chased the privateer that had taken her, which was in sight with two other prizes; but night came on and they escaped. An officer of the Congress wrote home that the prize master of the brig "informed us that the privateer to which he belonged had lately been several times in sight of Cape Henry, and that there were at present three or four French privateers cruising off the American coast." [2] The Congress arrived at Cape François about September 12, and Captain Sever took com-

[1] *Conn. Journal*, February 26, 1801.
[2] *Boston Com. Gazette*, October 23, 1800.

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mand of the station, relieving Captain Murray. The enemy furnished little occupation for the Congress in San Domingo waters, but during a short cruise to Porto Rico she chased a privateer which led her among shoals, and skillful navigation was called for to extricate her. The frigate had another narrow escape when at daybreak one morning breakers were sighted close ahead, and she was saved only by the captain's perfect self-possession. "The deck," says Midshipman Morris, "was in charge of the master, who was a skillful seaman, but whose presence of mind was so entirely destroyed by the imminence and suddenness of the danger, that he could do nothing towards extricating the ship from it. I was on deck at the time and felt justified under the circumstances in calling the captain without orders from the officer of the deck. Waking from sound sleep, he came immediately on deck, took the trumpet from the bewildered master and wore the ship, but so near to the breakers that a stone might have been cast into them from the ship." Sever continued in command of the station until the return of Talbot, towards the end of the year.[1]

Two vessels were lost at sea in the summer of 1800. The Insurgente, Captain Fletcher, was directed, July 14, to cruise to the eastward for about two months. She was spoken off Cape Henry Au-

[1] *Nav. Chron.* pp. 173, 174; *Morris*, pp. 12–14; *Columbian Centinel*, August 20, 27, 1800; Murray's *Letter Book*, 117.

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gust 10. The Pickering, Captain Hillar, was ordered to Guadeloupe August 15. Neither of these vessels was ever seen or heard of again, and they were supposed to have been lost in the equinoctial gale of September.[1]

Having shipped a new crew, the frigate Boston sailed September 15, 1800, under orders to cruise two or three weeks between the United States and the West Indies and then to join the Guadeloupe squadron. She was cruising about six hundred miles northeast of Guadeloupe when, on the morning of Sunday, October 12, she sighted a ship and a schooner. They separated, and she chased the ship. The pursuit continued, before the wind, nearly all day. The log-book of the Boston, under the date October 13,[2] says: "At meridian the chase bore S. W., distance about three leagues. At 4 P. M. the ship was clear for action. At half-past 4 P. M. hoisted our colors and gave the chase a shot from the bow gun. She hoisted French colors and fired a gun to windward and began to shorten sail for action. At fifteen minutes before 5 P. M. came up with the ship, hailed her and ordered him to strike his colors to the United States flag. The captain replied that his colors were too well made fast to haul down. The action immediately commenced and lasted till 24 minutes past 5 P. M. The sails and rigging of

[1] *Nav. Chron.* p. 173; *Nav. Aff.* vol. i, pp. 83, 84; *Columbian Centinel*, August 27, 1800.

[2] October 12; see above, p. 166, note, and Appendix VI.

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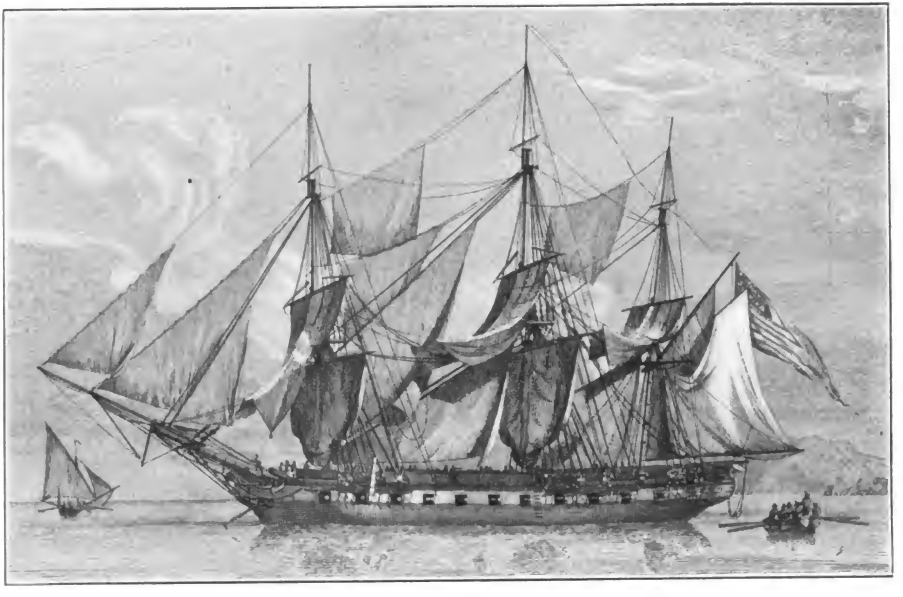

THE FRIGATE BOSTON

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both ships being much shattered, it was impossible to work either ship; in consequence of which we drifted too far apart for our shot to do execution. I then ordered all hands to be employed repairing the rigging to commence the action again. At 9 P. M. the action recommenced, which lasted till 20 minutes past 10 P. M., when her fore and main topmasts were shot away. She then struck her colors to the Boston, and not long after her fore and main topmasts went over the side, which I was sorry to see. . . . Oct. 14 [13], 1800. Long. 53° 21′, lat. 20° 48′. This ship proved to be the French national ship Le Berceau, mounting 24 guns on one deck, 22 long French nines and two twelve-pounders, and 230 men, commanded by Louis Andre Senes, a post-captain from Cayenne, on a cruise. Employed getting 117 prisoners on board the Boston. Found on mustering the ship's company that we had seven men killed and eight wounded. All hands employed repairing the rigging on board the Boston and clearing the wreck on board the Berceau. I find the Berceau lost, killed in the action, 34 men, and 18 wounded."[1]

In his report to the Secretary of the Navy Captain Little says the Berceau was "captured on the 12th October in lat. 22° 50′ North, long. 51° West, after an action of two hours. . . . With

[1] *Nav. Chron.* p. 174; *Proceedings of the Massachusetts Historical Society*, June, 1883, p. 271; Log-book of the Boston; *Boston Com. Gazette*, November 17, 1800.

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regret I mention our loss on board the Boston: four killed in the action, [three] mortally wounded, since dead; among the latter was Mr. Samuel Young, the purser, who requested liberty to quit the cockpit and assist on the quarter-deck. He fell early in the action. Eight were wounded, but are all on the recovery. I have subjoined a particular list of the killed and wounded. It is a cause of satisfaction for me to add that the officers and crew of the Boston, without an exception, discovered courage and firmness during the action; and it would be injustice in me not to acknowledge that the Captain of Le Berceau fought his ship gallantly so long as she was in a situation capable of being defended. Soon after he had struck, his fore and main masts went over the side and his ship was otherwise in a very shattered condition. The Boston was much injured in her masts, spars, rigging, and sails, considering the force of the corvette, which compelled me to return from my cruise to refit . . . . The enemy's loss I have not been able to ascertain, as they had thrown overboard their watch and quarter bills and most of their papers, but from the best information I have been able to obtain, they had upwards of 230 men when the action commenced; 197 were found on board after the action, including the wounded, who were 18."[1]

Lieutenant Clement of the Berceau made a report of the battle, which differs materially from that

[1] *Columbian Centinel*, December 10, 1800.

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of Captain Little. He says: "At half-past three o'clock the frigate hoisted the American flag and pennant and fired twice. We at once hoisted French colors and pennant and answered by a single cannon shot. The frigate, at a quarter to four, being within speaking distance, asked us whence we came. A moment later she fired on us, and ranging along our port side within pistol shot, the battle began in a most spirited manner on both sides. The musketry was very sharp and well sustained, the only delays being to reload the pieces. The battery also was served with the greatest activity, and the cry of 'Vive la République!' was often heard during the battle. At six o'clock our topgallant masts were seriously wounded, the shrouds were cut through, and the yards, sails, and lower masts were riddled with shot. At five minutes after six o'clock the frigate dropped astern, having her topsail ties cut and the yards on the caps. We boarded our fore and main tacks and came by the wind. The frigate from this moment ceased firing and we worked without ceasing at repairing damages.

"At half-past eight o'clock the frigate again attacked us and we discharged a broadside. From that time the action was renewed with great ferocity at pistol shot. At half-past nine o'clock the captain, seeing a favorable opportunity of boarding the frigate, gave the order, and the crew only awaited the chance, and our vessel manœuvred to favor the attempt. The frigate, however, took care not to allow

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herself to be boarded, and the action continued at pistol range up to eleven o'clock, when the frigate again hauled off to repair damages. We again set our courses, a short time after which our jib-boom was carried away and the topmasts followed. At this time our shrouds and backstays were nearly all cut through, and the two spare topmasts had also been cut upon the gallows frame. We therefore found ourselves without the possibility of repairing, but we nevertheless made as much sail as we could. The frigate also was much damaged in her sails and rigging and she remained out of gunshot, but always in sight.

"At five o'clock the next morning nobody had yet left his post and we expected every moment a third attack, when the frigate passed us to the starboard at a great distance and placed herself to leeward of us at half a league distance. In the course of the morning we saw that she was working at repairs. At half-past eleven o'clock our foremast, pierced with shot, fell to starboard, and a short time afterward the mainmast also fell. At two o'clock in the afternoon the frigate, which had now finished repairs, came up to us on the starboard side." The Berceau then surrendered. Her loss, according to Clement, was four killed and seventeen wounded.[1]

The Boston carried twenty-four twelve pounders and eight nine pounders, all long guns, and two hundred and thirty men. The weight of her broad-

[1] *Maclay*, vol. i, pp. 209–212.

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side was heavier than that of the Berceau in the proportion of about three to two. Considering the superiority of the Boston, the Berceau made a remarkably strong resistance. Captain Senes is said to have had a high reputation for bravery; he had served under Admiral D'Estaing in the American Revolution.[1]

The Berceau was towed most of the way to port by her captor, undergoing repairs on the way. October 24 they fell in with an American brig bound to Barbadoes; Captain Senes was paroled and put aboard her. Four days later the cable with which the prize was being towed parted in a heavy sea, and she was lost sight of for two days, being again taken in tow October 30. Two weeks after this Little brought his frigate and her prize into Boston harbor.[2] His report, dated Nantasket Roads, November 15, 1800, begins: "I have the honor to inform you that I arrived last evening in company with the French national corvette Le Berceau"; the report is accompanied by a list of the Boston's casualties.[3] The prisoners were landed on Castle Island, where they remained under guard, except the officers, who were paroled. The Berceau was condemned a few weeks later, and on January 15 was sold to the United States. Under the treaty with France, however, which had already been con-

[1] *Nav. Chron.* p. 174; *Boston Com. Gazette*, November 17, 1800.
[2] *Proc. Mass. Hist. Soc.* June, 1883, p. 272.
[3] *Columbian Centinel*, December 10, 1800.

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cluded, she was given up. September 26, 1801, she sailed for France.[1]

The Constitution was ordered to return to San Domingo November 18, but did not sail until some time in December. She arrived at Cape François on the 29th of that month, and Commodore Talbot resumed command of the station. Here he remained until spring. In January, 1801, there were on the San Domingo station, besides the flagship, the Congress, Adams, Trumbull, Richmond, and Augusta.[2] About the first of the year David Porter was transferred from the Experiment to the Constitution as second lieutenant, and soon afterwards the commodore gave him command of a small prize schooner, the Amphitrite, probably a recaptured American vessel. Many years afterwards Isaac Hull wrote to Porter: "While we were fitting this vessel and putting her guns on board (which were small brass howitzers taken from the tops of the Constitution), we discovered some barges in shore, inside a reef of rocks, where they were discharging an American vessel they had made prize of. You were ordered to stand in with the schooner and bring them out. Not a moment was lost; you instantly left the ship, stood in boldly and brought the barges to action. As they considered their force superior to yours, they did not wish to abandon the prize, but in a

[1] *St. Pap.* vol. iv, pp. 389–393, 413, 417.

[2] *Nav. Chron.* p. 174; *Columbian Centinel*, November 19, December 6, 1800; *Mass. Mercury*, February 6, 1801.

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DAVID PORTER

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very short time you captured and brought off the largest barge and prize brig, and no doubt you would have taken the other, had you not been prevented from pursuing her by your vessel's grounding on the reef."[1] The Constitution sailed for home in March; the Congress had preceded her.[2]

The forty-four gun ship President was launched April 10, 1800, and was the last of the original 1794 frigates to go into commission. Commodore Truxtun, after his return from Jamaica with the victorious Constellation, was appointed to the President. She was ordered to Guadeloupe July 30, and Truxtun resumed the command of his old station. This cruise lasted about six months, and was uneventful. The President took no prizes, but made a few recaptures. She returned home early in March, 1801.[3] The career of the Chesapeake, Captain Samuel Barron, during her first year, seems also to have been uneventful. She cruised partly off the coast of the United States and partly on the Guadeloupe station. January 1, 1801, she took a prize near the 27th parallel of latitude.[4] The Philadelphia, Captain Decatur, cruised many months without important results, but about De-

[1] *Porter*, p. 38. [2] *Mass. Mercury*, April 7, 1801.

[3] *Conn. Courant*, April 14, November 10, 1800; *Federal Gazette*, December 8, 29, 1800; *Boston Com. Gazette*, December 25, 1800; *Mass. Mercury*, March 10, 1801.

[4] *Mass. Mercury*, December 26, 1800, February 3, 1801; *Columbian Centinel*, December 31, 1800; *Conn. Journal*, February 26, 1801.

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cember 1 she took a French privateer and soon afterwards captured four others. She sailed home in March.[1] One of the last vessels to get to sea was the frigate New York, built under the act of June 30, 1798. She was ordered to the Guadeloupe station October 20, 1800, under the command of Captain Morris, who was transferred from the Adams. His good luck in taking prizes while with the latter ship did not follow him in the New York.[2]

The Constellation, Captain Murray, was ordered, November 28, to "shape her course so as to afford protection to American vessels bound from the East Indies and Europe," and on December 30 was assigned to the Guadeloupe station. She proceeded to New York and sailed from there January 9, 1801. Three days out she "encountered a tremendous gale of wind" from the south-southwest, "which continued with little intermission for 24 hours, and came on in a very sudden manner. Every effort was made to place the ship in as safe a situation as possible, — top-gallant yards and mast down, etc., but while scudding under a reef fore sail (the only sail we could set) the lee sheet gave way and brought us by the lee, the sea making a perfect breach over us, stove in all ports, and in a few minutes we had near six feet water in the hold, the most of which entered our hatchways before we could get them

[1] *Mass. Mercury*, January 27, March 3, April 3, 1801.
[2] *Nav. Chron.* pp. 173, 174, 184.

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properly secured. In this situation I was persuaded to cut away the mizzenmast and began to cut the lee shrouds and stays and some of the weather ones, when we succeeded in getting aft the lee fore tacks and a preventer sheet, which payed her off before the wind. At that moment we ceased cutting away. I proceeded to get preventer tackles upon the mast to save it and get down the gaff, but not till it gave a crack which gave us great alarm, yet finally we secured it and have it now in a safe state. Still the pumps gained but little on the water in the hold and we contemplated throwing overboard our spar deck guns, but after great exertions we brought the pumps to suck, in the course of which time I was eighteen hours on the deck without rest, as were the greater part of the crew — continually expecting to be obliged to cut away the masts. The next day we made sail under close reeft main and fore topsails, till by degrees we had a return of moderate weather." [1] Having reached latitude 22°, the Constellation fell in with a British frigate on a dark night. They exchanged several shots before recognizing by signals each other's friendly character. Approaching the West Indies from the eastward, the Constellation captured a three-masted lugger of fourteen guns and a hundred men from Guadeloupe. Upon examining her papers it was found that she had been instructed not to make captures of American vessels; and it was soon afterwards

[1] Murray's *Letter Book*, 140.

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learned that the new treaty between the United States and France had reached Guadeloupe early in January and that French agents and consuls had been directed to promulgate it. Murray found the French very friendly, and wrote to the Secretary of the Navy, February 3, that he might "now assure the merchants of the United States that their trade will no longer be molested by French cruisers." He assisted in the work of spreading the tidings of returning peace among Americans and French in the West Indies. On this errand the Constellation proceeded by way of St. Thomas and Porto Rico to Cape François, and thence to Havana. After collecting a convoy there she sailed for home March 2, and three weeks later was in Delaware Bay. In April she dragged her anchors and grounded on a shoal, where she remained two weeks or more, but finally got off and suffered no injury.[1]

The United States arrived at Philadelphia from her mission to France April 3, 1800. Soon after this the Portsmouth was sent over to bring home the American envoys, when they had concluded their negotiations with the French government. After her return the United States required extensive repairs, and it was not until December that she was ready for sea and was ordered to the West Indies. Commodore Barry took command of the

[1] *Nav. Chron.* p. 175; *Mass. Mercury*, March 24, April 21, May 1, 1801; Murray's *Letter Book*, 140, 145 (February 3, 9, 1801).

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Guadeloupe station, being instructed to allow Truxtun to cruise independently with the President and one other vessel. February 1, 1801, Barry had with him at St. Christopher, besides his own ship, the Philadelphia, New York, Warren, Eagle, and Enterprise. The Merrimack had recently gone back to Boston with a convoy from St. Thomas. In the summer of 1800, the George Washington, Captain Bainbridge, had been sent to Algiers on a special mission. The Connecticut and the Ganges had been ordered to the East Indies, but, with peace in prospect, they did not go. The Delaware was in Cuban waters. Most of the other vessels, not on the San Domingo station, were in home ports. Barry was soon notified that a convention between the United States and France had been concluded, and he was directed to "treat the armed vessels of France, public or private, exactly as you find they treat our trading vessels." The treaty was ratified February 3, 1801, and was sent to France by a bearer of dispatches, who set out from Baltimore on the Maryland, Captain Rodgers, March 22. The next day the Herald, Captain Russell, was ordered to the West Indies to recall the various cruisers from their stations; she sailed from Boston on this duty April 11. The United States returned home just after this.[1]

[1] *Nav. Chron.* pp. 171, 174–176; *Barry*, pp. 405–407; *Pickering*, vol. xiii, 378, 380, 386; *Gazette of U. S.* May 28, 1800; *Mass. Mercury*, April 22, 25, August 1, 1800, January 2, February

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About eighty-five prizes were taken by the navy from the French during the war, not counting recaptured vessels and small boats. Two of these, being national vessels, were afterwards given up under the treaty, and about a dozen had already been surrendered on account of being illegal captures or for other reasons. The only national vessel taken from the Americans by the French was the Retaliation, which had previously been captured from the French and was again taken from them. The value of the prizes condemned, about seventy in number, was probably not less than seven hundred thousand dollars.[1]

The whole cost of the American navy from 1794 to the return of the ships to port in the spring of 1801 was about ten million dollars, of which six millions may be taken as a fair estimate of the actual expense of protecting American commerce against French depredation. During the years 1798 to 1800 inclusive, the value of the exports from the United States thus protected was over two hundred million dollars, and the revenue derived from imports was more than twenty-two million dollars.[2] Unquestionably a very large pro-

3, 6, 17, March 13, April 3, 7, 14, May 1, 1801; *Conn. Courant*, August 4, 1800; *Columbian Centinel*, September 17, December 6, 1800.

[1] *Nav. Chron.* pp. 182–185; *Emmons*, pp. 48–53. The prize lists of Goldsborough and Emmons differ slightly; probably neither is complete or accurate.

[2] *Nav. Chron.* pp. 185–187.

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portion of this profitable trade would have been discouraged through fear or lost by spoliation, had it not been for naval protection.

In estimating the degree of credit due the navy for its exploits in this contest, it should not be forgotten that the French navy at this period was in a demoralized condition. In the old navy of France, nearly all the officers were members of the nobility. When the service was reorganized under the republic, most of these officers withdrew or were driven out, and some perished by the guillotine. Their places were filled by inexperienced men from the merchant marine and privateersmen. The extreme republican ideas of the Revolution, moreover, were not conducive to discipline, and insubordination was prevalent. Unwise legislation seriously impaired the efficiency of the service, and mismanagement brought about deterioration of ships and equipment.[1] Nevertheless, the national French ships with which the Americans contended appear to have been well and bravely fought. And the American navy also was organized under difficulties, notably the opposition of a large proportion of the people, the inexperience of the civil administrators, and the unmilitary character of large numbers of the officers and men.

In his speech to Congress, November 22, 1800, President Adams said: "The present Navy of the United States, called suddenly into existence by a

[1] *Mahan*, ch. ii.

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great national exigency, has raised us in our own esteem; and by the protection afforded to our commerce has effected to the extent of our expectations the objects for which it was created." [1]

[1] *Nav. Chron.* p. 175.

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CHAPTER VIII

PRIVATE ARMED VESSELS

THERE were probably no American privateers, strictly speaking, at this time; that is to say, vessels devoted solely to purposes of war; but most merchantmen were armed for defense, and a large number of them were commissioned under the act of July 9, 1798, which permitted them to capture French armed vessels.[1] As a rule they carried a light battery and a small crew; fighting was a consideration secondary to trade. A few vessels were more formidable. The China of Philadelphia was a ship of more than a thousand tons, and carried thirty-six guns and a hundred and fifty-one men; but Captain Preble says she was "too top-heavy to be safe in carrying sail."[2] There were many spirited actions between American and French private armed vessels. The French, often true privateers, were generally much the more powerful, and sometimes succeeded in capturing the Americans; but in most cases the vessels separated after disabling each other more or less seriously.

Perhaps the earliest conflict between vessels of this class was that of the ship Eliza of Charleston with a French privateer of greatly superior force,

[1] See above, pp. 58, 59.

[2] *Essex*, pp. 75, 78.

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in the Bay of Biscay, July 5, 1798. After fighting an hour and a quarter the Eliza was compelled to strike.[1] December 31, 1798, the ship Perseverance of Salem was chased in the Old Bahama Channel by a schooner under Spanish colors, which later were hauled down and the English flag hoisted in their place. The schooner came up on the starboard quarter of the Perseverance and gave her a broadside, which she answered with her stern guns and then, coming into the wind as the schooner passed, returned the broadside. The privateer then tacked and fired another broadside. Soon after this she struck the English flag, hoisted French colors, and made off.[2]

The schooner Charming Betsey of Baltimore, with twenty men and eight four pounders, off the harbor of Curaçao, March 8, 1799, fell in with the French privateer Revenge, with eighty men and nine six pounders. "At 3 P. M. discovered a French privateer bearing down on us. She hauled her wind in our weather quarter and hoisted a red flag; hailed us where from and where bound? We answered from Curracoa to Laguira. She then ordered us to haul down our colors, which Captain Conway refused. She then fired a volley of musquetry into the Charming Betsey, which was immediately returned. A close and warm action now commenced, which continued about three quarters of an hour,

[1] *Mass. Mercury*, December 4, 1798.
[2] *Salem Gazette*, March 5, 1799.

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during which time the privateer made two attempts to board us. The Charming Betsey received considerable damage in her rigging, spars and sails and both topmasts shot away and the captain and three men wounded; bore away for the harbor of Curracoa, where she arrived and the privateer immediately after her. The privateer received considerable damage and had ten men killed and wounded, five of whom were thrown overboard previous to her arrival in port. The Charming Betsey would certainly have taken the privateer had her matches not given out, which prevented her from raking her twice, as her guns could not be got off." [1]

On the same day that the Betsey fought the Revenge the ship Molly of Philadelphia, bound to Liverpool, "saw a cutter standing athwart us to the northward, we then steering an east course for Cape Clear. . . . At half-past eight she tacked and stood for us; at nine she was within gunshot, and on hoisting my ensign she immediately ran up a French national flag at her topmast head and fired a shot between our main and fore mast. She then tacked and reconnoitred us, giving us her stern chases in going about. We retained our fire and continued our course under our topsails. . . . At a quarter past meridian she recommenced firing, and running under our starboard quarter attempted to board us, which was happily prevented and we immediately exchanged broadsides. She

[1] *Conn. Courant*, April 15, 1799.

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then approached us on the larboard quarter within pistol shot and gave us her other broadside, which we instantly returned. She then hauled off a little, removed her ensign to her main peak, and running up a pendant to the masthead, immediately attempted again to board on our starboard quarter, which was as before prevented. We then exchanged broadsides twice, when she sheered off, hauled down her colors and lay to. She was a fine new brig of sixteen sixes and full of men, was coppered and sailed very fast. We have received considerable damage in our sails, rigging, and hull, but thank God, have not lost one of our men." [1] Although the privateer struck her colors, it does not appear that the Molly took possession. The French ship Columbus of four guns, bound from Guadeloupe to St. Thomas, was captured in June, 1799, by the brig Genius of New York, of fourteen guns, and was sent into Tortola and condemned for the benefit of the captors by a British court of admiralty.[2]

The ship Planter sailed from Hampton Roads June 18, 1799, and on July 10, in latitude 49° North, longitude 17° 30′ West, a sail was sighted. The Planter cleared for action and at 5.30 P. M. lay to for her. "She then bore down under our starboard quarter, fired one gun into us and showed National Colors; we found her to be a Privateer of

[1] *Mass. Spy*, May 15, 1799.
[2] *Salem Gazette*, August 9, 1799.

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twenty-two guns, twelves, nines, and sixes, with small arms in the tops and full of men. We immediately rounded to and gave her a broadside, which commenced the action on both sides. The first broadside we received cut away all our halyards, top sheets and braces, and killed three men on the quarter-deck. We kept up a constant fire for two glasses and a half, when he sheered off to repair damage and in about one glass returned to board us with his bloody flag hoisted. We were all in readiness to receive him, got our broadsides to bear upon him and poured in our langrage and grape-shot with great success. A heavy fire was kept up on both sides for three glasses, the second time — in all the engagement continued firing for five glasses. At last he found we would not give out and, night coming on, sheered off and stood to the southwest." The Planter had twelve nine pounders and six six pounders, and forty-three men, four of whom were killed and eight wounded. The French were seen to throw several dead overboard.[1]

The Mount Vernon of Salem, Captain E. H. Derby, a ship of four hundred tons, twenty guns — nine and six pounders — and fifty-three men, sailed for the Mediterranean in the summer of 1799. July 28, to the eastward of the Azores, she fell in with "a fleet of upwards of fifty sail, steering nearly N. E." Captain Derby, writing to his father, the

[1] *Boston Com. Gazette*, September 12, 1799.

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owner of the vessel, says: "We run directly for their centre; at 4 o'clock found ourselves in their half-moon; concluding it impossible that it could be any other than the English fleet, continued our course for their centre to avoid any apprehension of a want of confidence in them. They soon dispatched an 18 gun ship from their centre and two frigates, one from their van and another from the rear, to beat towards us, we being to windward. On approaching under easy sail the centre ship, I fortunately bethought myself that it would be but common prudence to steer so far to windward of him as to be a grapeshot's distance from him, to observe his force and manœuvring. When we were abreast of him he fired a gun to leeward and hoisted English colors. We immediately bore away and meant to pass under his quarter, between him and the fleet, showing our American colors. This movement disconcerted him, and it appeared to me he conceived we were either an American sloop of war or an English one in disguise, attempting to cut him off from the fleet; for while we were in the act of wearing on his beam, he hoisted French colors and gave us his broadside. We immediately brought our ship to the wind and stood on about a mile, wore towards the centre of the fleet, hove about and crossed him on the other tack about half grapeshot distance and received his broadside; several of his shot fell on board of us and cut our sails, two round shot striking us without much

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damage. All hands were active in clearing ship for action, for our surprise had been complete. In about ten minutes we commenced firing our stern chasers and in a quarter of an hour gave him our broadside in such a style as evidently sickened him, for he immediately luffed in the wind, gave us his broadside, went in stays in great confusion, wore ship afterwards in a large circle, and renewed the chase at a mile and a half distance; a manœuvre calculated to keep up appearances with the fleet and to escape our shot. We received seven or eight broadsides from him, and I was mortified at not having it in my power to return him an equal number without exposing myself to the rest of the fleet; for I am persuaded I should have had the pleasure of sending him home had he been separated from them." [1]

The fleet was lost sight of during the night. The next day the Mount Vernon was chased by two frigates, and the day after by a French lateen rigged vessel. That night she was off Cadiz, and the next day, July 31, proceeded to Gibraltar, "where we arrived at 12 o'clock, popping at Frenchmen all the forenoon. At 10 A. M., off Algesiras Point, were seriously attacked by a large lateener who had on board more than a hundred men. He came so near our broadside as to allow our six pound grape to do execution handsomely. We then bore away and gave him our stern guns in a cool and deliberate manner,

[1] *Hunt's Merchants' Magazine*, February, 1857, pp. 181, 182.

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doing apparently great execution. Our bars having cut his sails considerably, he was thrown into confusion, struck both his ensign and his pennant. I was then puzzled to know what to do with so many men; our ship was running large with all her steering sails out, so that we could not immediately bring her to the wind, and we were directly off Algesiras Point, from whence I had reason to fear she might receive assistance and my port, Gibraltar, in full view. These were circumstances that induced me to give up the gratification of bringing him in. It was, however, a satisfaction to flog the rascal in full view of the English fleet, who were to leeward." [1]

The supercargo of the ship London Packet of Baltimore writes that on September 10, 1799, "we had a very severe engagement with a French privateer of sixteen guns and 150 men. She engaged us an hour and three quarters, half of which time she was close alongside. A little before she attempted to board us they hoisted the bloody flag, which proved a bloody one to them, as every man who attempted to board suffered instant death. Considering the desperate attempts they made, we got off well. I am sorry to inform you we had three men killed, one of whom was our second mate, Mr. Lindsay, a spirited and active officer, and two wounded, one of whom was Captain Anderson, who received a ball in his right breast. It was 8 o'clock at night when the privateer sheered off from us, unable to

[1] *Hunt's Merchants' Mag.* February, 1857, p. 182.

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effect her point. Some of her sails were on fire from the wads from our guns; and some of our own sails being likewise on fire from a similar cause prevented our capturing her. Had it not been for that circumstance we should have lashed her to the ship and made a prize of her." The fire got into the cabin of the London Packet and nearly reached the magazine. Her force in guns and men is not given.[1]

On a voyage from New York to New Orleans the private armed vessel Chesapeake, of twenty guns, was thirty-seven miles north of Havana October 2, 1799, and the captain's narrative says that "at 10 o'clock A. M. the man at the mast head descried a sail coming out from the land and bearing down upon us. At meridian we found she gained upon us very fast and then prepared for action. At 3 P. M. I consulted with my officers and cabin passengers, who all agreed that it would not be prudent to hazard an action in the night should the vessel then in shore of us prove to be an enemy, and therefore concluded to shorten sail and see who she was before dark. At half-past four she fired upon us and hoisted English colors, which we returned with a stern chaser and hoisted our ensign, on which she immediately hoisted the bloody flag at her foretopmast head. At a quarter past five she came up under our stern. I then hailed them and inquired who they were and where from, but could not understand the answer; they then hailed

[1] *Gazette of U. S.* October 3, 1799.

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me in English and ordered me to lay my topsails to the mast or to abide by the consequences. I replied that I was an American and would protect the trade. The word American was scarcely uttered before they gave three cheers and poured a broadside and volley of small arms into us, which we returned, and a desperate engagement ensued which lasted three quarters of an hour, when her quarterdeck blew up and she went down stern foremost. I immediately hove my ship to and hoisted my boat out, but unfortunately could not save one man. She was a schooner mounting twelve or fourteen guns and manned, as near as we could judge, with about eighty men. We had two men wounded, one of whom died the next morning; the other is in a fair way to recovery. My ship received material injury in her masts, spars, and rigging, the enemy having fired all kinds of combustibles and materials into us, such as iron spikes (22 inches long), slugs, etc." [1] Some of the vessels with which the Americans contended displayed an indifference as to what flag they fought under, which suggests a good deal of doubt of their being legitimate privateers of France.

A letter from William Smith, United States minister to Portugal, to the Secretary of State, dated Lisbon, November 2, 1799, says: "Two days ago arrived here in distress the [ship] Washington, Capt. Williamson, bound from London to

[1] *Gazette of U. S.* November 21, 1799.

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Philadelphia, with thirty-four passengers. She mounts 22 guns, has seventy men, and off Scilly fought two hours a large French privateer of 28 guns and beat her off. She had one killed and two wounded." Later letters say that the French vessel was "the Balance, a Privateer from Bordeaux of 30 guns, which was obliged to put into Corunna to refit," and that she had a crew of two hundred men, thirty of whom were killed and many wounded.[1]

Captain James Williamson of the twenty-two gun ship Perseverance of Philadelphia, wrote from Lisbon, November 2, 1799: "Scilly bearing N. E. forty leagues at daylight in the morning (Oct. 24) I perceived a large ship standing after us under easy sail. Finding he could come up with us when he pleased, I shortened sail and hove to for him and got all clear for action. At 10 A. M. he came up on our larboard quarter, hoisted French colors and gave me a gun. I immediately hoisted American colors and returned it, which commenced a very hot and close action, being within half pistol shot the most of the time. She was frigate built, mounted 24 guns on her deck and four on the quarter-deck, and was crowded with men; a great number on the upper deck at the small arms. He kept a very hot fire from his gun deck, chiefly directed to disable us in the rigging in which he completely succeeded, as early in the action my rigging and sails were cut to pieces, so that I had not the least command

[1] *Pickering*, vol. XXV, 267, 280, 281.

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of the ship, nor could brace a yard about. At the second and third broadsides the most of the carronades overset and had but seven guns on that side to engage with, but the well-directed and hot fire kept up from them obliged him, after an hour and ten minutes' severe action, to haul off. He left me so complete a wreck that I could not set one sail to follow him. I had one man killed and two severely wounded. He hove to about two miles to windward and was busy employed repairing damages and plugging shot holes. We were likewise all employed about the rigging, but it was so bad that it was with the greatest exertions I could get the fore and main topsails half set. At noon he bore down upon us again and at once we commenced another very severe action for an hour and a quarter, when he made all sail possible and stood off to the S. E." The spars, rigging, and sails of the Perseverance were so much injured that it was with great difficulty that she succeeded in getting into Lisbon.[1]

The private armed vessel Atlantic, in company with an English vessel, was attacked December 11, 1799, and again the next day by a French privateer of twenty-four twelve pounders and two hundred and fifty men, in the Bay of Bengal. On each occasion the privateer was beaten off after a severe

[1] *Boston Com. Gazette*, February 6, 1800; the similarity of names, dates, and circumstances suggests the possible identity of the Washington and Perseverance.

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engagement. The English vessel carried eleven four pounders and twenty-seven men; the Atlantic carried carronades, but neither the number nor weight nor the number of men is given in the account.[1]

Captain Joy of the ship Nancy of Boston, with ten six pounders and twenty-seven men, wrote from Havana, March 16, 1800: "After leaving Boston we took the wind from the S. W. with strong gales, which lasted fifteen days and drove us so far to the eastward that we fell in with a French privateer schooner of 16 guns and 100 men or upwards. He engaged us under the bloody flag at the distance of pistol shot for an hour. Many shot passed through our sails and rigging. Night came on, and he hauled his wind and lay at the distance of two miles until ten the next morning; he then came down with his grapplings at the yard arm and grappled us upon our starboard quarter with his jib stay on our boarding spar. As he crossed our stern he began with his musketry and cannon, thinking to drive us from our quarters, which he had nearly accomplished and began jumping on board; but we rallied and stuck so close to them with our muskets and boarding pikes that they were obliged to return on board, after being in our main and mizzen chains three or four times. After three glasses, by cutting our rigging that his grapplings were fast to, he cleared his jib stay and

[1] *Gazette of U. S.* May 2, 1800.

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we parted. We had one man killed and seven wounded, but none of us mortally. One nine pound shot went through the foremast and one through the mainmast; likewise a number of smaller shot. Our main top shot much to pieces and twenty shot through our mizzenmast. In fact, when they left us there was at least 3000 shot of different kinds through our hull, sails, and rigging. Our topsail, topgallant haulyards, jib stay, topping lift and braces were all shot away; yards down on the caps, sails overboard, and the ship on fire in three or four different places. He lay with his head one way and we the other for two hours. After I had got my braces rove and topsail set and stood on my course he came after me again; about four o'clock he overtook and gave us another broadside, and we returned it. He then hauled his wind and left us, which was 36 hours from the time he fell in with us." [1]

The Straits of Gibraltar and the neighboring waters were infested at this period with French and Spanish privateers, many of them small gunboats, which came out from Algeciras and other ports, often in considerable numbers, and attacked vessels entering the straits, especially in calm weather. In January, 1800, the ship Favorite of Boston was attacked by two of these privateers off Tarifa, and a little later fought an hour and a half with four others. There was no wind, and

[1] *Independent Chronicle*, April 17, 1800.

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she finally got into Gibraltar with the help of sweeps.[1]

A letter from the ship Industry of Boston, Captain Gamaliel Bradford, dated Lisbon, July 23, 1800, and apparently written by the supercargo, says: "I have the misfortune of having the painful task allotted to me to communicate the very unfortunate accident that Captain Bradford met with on the 8th July. We sailed from Naples on the 15th June, and arrived safely off Gibraltar on the 8th July. Conceiving it not safe to enter this port by reason of the annoyance given by the Spanish gunboats, we proceeded for Lisbon. Soon after entering the Gut about one league, there came from shore a large French privateer, which came in sight of our guns, but did not like our appearance; she hauled her wind and went astern. She then fired a gun and hoisted French colors with a bloody flag and began firing at us, but was at such a distance that we could not reach her with our stern guns, although she from her bows was throwing her grape shot into and beyond us. Captain Bradford said all we could do was to wait until she came nearer, when he hoped we should be able to give the rascals what they deserved. After firing above an hour at that distance she came nearer, but finding there was danger in the attempt, she again returned to her former distance, where she continued firing her bow chases. Soon

[1] *Columbian Centinel*, April 16, 1800.

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after, three other privateers, one nearly as large as the first, came out, and all of them commenced firing at our stern. Conceiving themselves much superior in force, they became bolder and approached nearer, so that we were enabled to keep a steady firing upon them, but they had much heavier guns than we, particularly the two large privateers. The wind blowing fresher, the two smallest were not able to do much harm. A strong current against us and having many of our sails and spars shot away, we could not carry sail except before the wind, and in this course moved slowly through the water. After engaging these pirates three hours, Captain Bradford was unfortunately wounded by a grape shot in the thigh, which entered the back part a little above the knee and went nearly through." The captain was taken below. The fight continued two and a half hours longer, and the privateers then sheered off. The Industry mounted twelve six pounders and had twenty-five men. One of the privateers mounted ten guns, the bow guns being eighteen pounders; another carried eight guns, and the other two had guns in their bows only. The Industry continued her voyage, going to Cadiz, and finally reaching Lisbon in ten days, delayed by head winds. Here Captain Bradford had his thigh amputated; he was kindly treated by the captain and surgeon of a British man-of-war.[1]

[1] *Boston Com. Gazette*, September 11, 1800.

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Captain Haggard of the ship Louisa of Philadelphia, carrying twelve six pounders and thirty men, wrote from Gibraltar, August 27, 1800, that at daylight on the 20th, off Tarifa, "we discovered several French and Spanish privateers and gunboats making the best use of their sails and sweeps to get out. There were then four American brigs in sight, one near the Spanish shore and three astern of us. Two of the latter we had spoke some days before; they were the Greyhound from Boston and the Huntress from New York. The others were unknown to us. Several of the privateers fired at the brig inshore, who appeared to be without guns, and at length a gunboat approaching very close, she was obliged to strike." Two privateers then attacked the Greyhound, and later a privateer and a gunboat fell upon the Louisa. "As they both sailed fast and made use of their sweeps they were soon near us, and at six A. M. began their fire, which we returned. After a continual firing for six glasses, finding they had cut our rigging in such a manner as to make our ship perfectly unmanageable, the privateer made an attempt to board on our stern, while the gunboat lay upon our larboard quarter and kept up a constant fire at about pistol shot. They first attempted to enter the cabin windows and burst them in with their muskets, but were repulsed. They next tried upon our starboard quarter, but those who got on the sides were forced back. They then lashed their

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bowsprit to our mizzen chain, but the ship taking a broad sheer, it broke and swinging round they were brought directly under our quarter guns, which were constantly fired into them loaded with grape and accompanied with three cheers, when they made the best of their way to the Spanish shore attended by their friend the gunboat. They had scarcely left us when a vessel with Spanish colors came out and fired several shot at us, but on being answered and finding us in a better disposition for another action than our shattered appearance evinced, thought proper to return. During the engagement we had the pleasure to see three brigs escape." The privateer that had attempted to board the Louisa "had three masts with lateen sails; she mounted two brass long 24 pounders in the bow and eight in her waist with swivels, and was full of men." It was afterwards learned that she had eleven killed and thirteen wounded; the gunboat had one killed. On the Louisa the captain, who was wounded in the shoulder, was the only one hurt.[1]

Sometimes a vessel captured by the French would be recaptured from the prize crew by members of the former crew left on board. The ship Hiram was captured by a French sloop of war, September 29, 1800. The captain and his seventeen-year-old

[1] *Boston Com. Gazette*, November 17, 1800. For other encounters of American private armed vessels, see Maclay's *American Privateers*, p. 220; *Hoxse*, ch. v; *Mass. Spy*, January 2, 1799; *Salem Gazette*, June 14, 1799; *Boston Com. Gazette*, May 29, July 7, 1800.

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brother, who was second mate, one seaman and a twelve-year-old boy were left on board with a prize crew of ten. The captain had concealed his pistols, and they determined to attempt the recapture of the ship. The captain knocked down the man at the wheel and threw the prize master overboard, but he caught hold of the main chains and got back again. Two other men were knocked down and one was shot, but not much hurt. Then the captain's brother and the other man came to his assistance with handspikes. They chased the prize crew about the deck until at last they surrendered and were confined below. Later the Hiram was captured by another French vessel, but was recaptured by a British frigate and sent into Martinique.[1] The brig Washington of Portsmouth was taken November 25, 1800, by a French privateer off St. Lucia. A prize master and five men were put on board the Washington, and all her crew taken out except the captain and a negro. Early one morning two of the Frenchmen were on the fore topsail yard, one was halfway up the shrouds and one at the helm, while the prize master and another man were on the forecastle. The captain proposed to the negro that they attempt to recapture the vessel, and armed himself with a pump handle while the negro took the cook's axe. The captain knocked down the helmsman and threw him into the cabin. The negro struck the prize master a fatal blow and he fell overboard.

[1] *Mass. Mercury*, January 16, 1801.

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The other man on the forecastle was also struck down with the axe, but recovered; he drew a knife and ran at the captain; but was again struck down, with the pump handle. The man on the shrouds jumped into the sea and the others remained aloft. The captain lowered a boat, put into it the wounded men and some stores, allowed those aloft to get in, gave them two oars and the course to Guadeloupe and let them go. The boat and the man who had jumped overboard were afterwards picked up by a passing vessel. The Washington was safely navigated to Dominica, thence to St. Christopher, and finally home, having joined a convoy.[1]

[1] *Mass. Mercury*, January 16, 1801. For another instance, see *Ibid.* July 9, 1799.

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CHAPTER IX

THE CONVENTION OF 1800

In the summer of 1798 William Vans Murray, the United States minister to Holland, having conversed on the relations between his country and France with M. Pichon, the secretary of the French legation at the Hague, the latter reported the fact to his government. Talleyrand became interested at once, and began again the tentative negotiations in which he had unsuccessfully attempted to engage Elbridge Gerry only a few weeks earlier. He assured Pichon that any envoy the United States might send to France "would be undoubtedly received with the respect due to the representative of a free, independent, and powerful nation," repeating the words used by President Adams in his message of June 21.[1] Of course, all this was promptly reported to the Secretary of State by Murray, who was thereupon appointed by the President, February 18, 1799, minister plenipotentiary to treat with the French government. This appointment aroused opposition, chiefly on the ground that it was inexpedient to renew negotiations with France at that time. The President then appointed two other envoys, to be associated

[1] See above, p. 38.

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with Murray, — Oliver Ellsworth, chief justice of the United States, and Patrick Henry, late governor of Virginia; the two latter to set out for France only after the most positive assurances had been obtained that they would be received with respect. The nominations were thereupon confirmed by the Senate. Murray was instructed to hold "no more indirect and inofficial communications" with any agent of France. Talleyrand gave the required assurance that the envoys would be properly received and respected. Patrick Henry, on account of old age and infirmity, declined to serve, and Governor William R. Davie of North Carolina was appointed in his place.[1]

Meanwhile, in the summer of 1798, George Logan, a Quaker, had undertaken a private mission to France on his own responsibility. From interviews with members of the Directory he became convinced that France was truly well disposed towards America. His sole object in making this journey seems to have been a sincere desire to promote reconciliation, but his motives were misconstrued by many, and a suspicion was aroused that his purpose was treasonable.[2]

The envoys of the United States government were instructed, October 22, 1799, to demand in-

[1] *St. Pap.* vol. iv, pp. 291–302; *Doc.* 102, pp. 648–660; *Richardson*, vol. i, pp. 282–284; *Nav. Chron.* pp. 141–148; *Adams*, vol. viii, pp. 677–691, vol. ix, pp. 245–266.

[2] *Washington*, vol. xiv, pp. 129–132; *Jefferson*, vol. vii, pp. 273, 325; *St. Pap.* vol. iv, p. 272.

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demnity for spoliations of American commerce, basing their claims upon the old treaties in cases which had occurred before July 7, 1798, the date of the abrogation of the treaties by Congress, while claims for injuries after that date were to rest upon the law of nations. They were then to negotiate a treaty, to last not more than twelve years. The new treaty was to establish a commission to adjust the claims of the two countries. It must not contain the provisions of the seventeenth and twenty-second articles of the treaty of commerce of 1778, relating to privateers and prizes; at least, there must be nothing to conflict with any other treaty, meaning the twenty-fourth and twenty-fifth articles of Jay's treaty with England. Nothing was to be admitted into the treaty stipulating alliance, guarantee of French possessions, consular judicial authority, or any promises of aid or of loans.[1]

Ellsworth and Davie sailed on the frigate United States, and in February, 1800, arrived in Paris, where Murray joined them March 1. This was after the *coup d'état* of 18 Brumaire, when the Directory was overthrown and the Consulate established. They had, therefore, to deal with Bonaparte, first consul, and were presented to him March 8. The negotiations, which had been delayed by the illness of Joseph Bonaparte, chief of the French commissioners appointed to treat with the Americans, began April 7 and continued nearly six months.

[1] *For. Rel.* vol. ii, p. 301; *Doc.* 102, p. 561.

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It was not possible to come to an agreement on all points. The American envoys wished first to settle claims for injuries inflicted upon commerce before the abrogation of the old treaties by Congress; but the French contended that there had been no abrogation, as this would have required the consent of both parties to these compacts. They would not even admit that the treaties would have lost their force in case of war, and they denied that the present hostilities constituted war in the full sense.[1] However, admitting the war and the annulment of the treaties by it, the claims likewise had been liquidated by war and no indemnity could be expected. They were willing to accept this view of the case, and on August 11, after prolonged discussion, the French commissioners insisted on the alternative: "Either the ancient treaties, with the privileges resulting from priority [as regards Jay's treaty], and a stipulation of reciprocal indemnities; or a new treaty assuring equality without indemnity."[2] At last the American ministers were forced to abandon their instructions and admit the validity of the old treaties, or at least recognize the embarrassing provisions of those treaties as live issues. Agreement was still impossible, and after several more weeks of discussion the temporary expedient was adopted of leaving open for future negotiation the

[1] *Doc.* 102, p. 616. On the question of the abrogation of treaties by war, see *Wharton*, vol. ii, p. 43.

[2] *Doc.* 102, p. 618.

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questions as to indemnity and as to the old treaties.[1]

This arrangement formed the substance of the second article of the new treaty. The third and fourth articles required the mutual restoration of national vessels captured during the hostilities and of all captured property not already condemned. The fifth provided for the settlement of debts due from France to American citizens, chiefly for supplies and provisions furnished the French government.[2] No loans were provided for and no guarantee of French possessions, nor were any obligations incurred inconsistent with other treaties. Although the envoys found it impracticable fully to carry out their instructions, they were able to abolish some of the abuses practiced by the French, such as the demand for a *rôle d'équipage*, and to maintain the doctrine of "free ships, free goods."

The treaty, called a Convention of Peace, Commerce, and Navigation, is very long, consisting of twenty-seven articles; it was concluded September 30, 1800. When it was laid before the Senate, that body advised its ratification provided the second article, relating to indemnities and the old treaties, were stricken out and the duration of the treaty limited to eight years. The Senate took this method of precluding any attempt to revive the

[1] *For. Rel.* vol. ii, pp. 307–344; *Doc.* 102, pp. 577–644; *Wharton*, vol. ii, pp. 128–142.

[2] For these articles see Appendix II.

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treaties with their embarrassing provisions, at the same time hoping to revive the claims at some favorable opportunity in the future. Upon the exchange of ratifications at Paris, July 31, 1801, Bonaparte, on behalf of the French government, agreed to these amendments on condition "that by this retrenchment the two States renounce the respective pretensions which were the object of said article." The Senate agreed to this, being willing, for the sake of getting rid of the treaties, to sacrifice prospective indemnities for the depredations committed upon American commerce. The convention was proclaimed December 21, 1801.[1] "So died the treaties of 1778, with all the obligations which they imposed, and with them passed from the field of international contention the claims of American citizens for French spoliation."[2] This refers only to claims for depredations committed at sea.

The third article of the treaty called for no sacrifice on the part of France, but compelled the United States to surrender the Berceau and the schooner Vengeance. The Insurgente, which must also have been given up under this stipulation, had been lost at sea before the treaty was signed. The Berceau was refitted, being put in better condition than before she was captured, and then turned over to her old crew, who took her back to France.

[1] *Doc.* 102, pp. 661–686.
[2] *Ct. Claims Rep.* vol. xxi, p. 387.

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The amount of American property described in the fourth article, in the hands of the French, was estimated at about forty ships and cargoes, while the Americans held but few French prizes not already condemned.[1]

The obligations incurred by France under the fourth and fifth articles were not promptly discharged, owing partly no doubt to the embarrassed condition of French finances. This state of things called forth a prolonged correspondence between the United States minister, Robert R. Livingston, and the French government, and gave rise to another class of claims, estimated at twenty million francs in amount. In a convention concluded April 30, 1803, the United States assumed these claims as part of the price paid for the territory of Louisiana, which was ceded by treaty on the same day.[2]

The convention of 1800 did not furnish a satisfactory solution of the questions at issue between the two countries, but it put an end to hostilities which, if they had continued, would doubtless have made impossible the acquisition of Louisiana. It was therefore most fortunate for the United States to be able to reëstablish amicable relations with France at this time.

[1] *St. Pap.* vol. iv, pp. 388–421; *Nav. Chron.* p. 185; *Doc.* 102, p. 644; *Jefferson*, vol. viii, p. 73.

[2] *Doc.* 102, pp. 700–762; *Treaties and Conventions*, pp. 1233, 1307, 1308.

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CHAPTER X

REDUCTION OF THE NAVY

When it became known, late in 1800, that a treaty with France had been concluded, discussion naturally arose as to the reduction of war expenses and the placing of the navy on a peace footing. January 12, 1801, Secretary Stoddert made a report to the naval committee of the House of Representatives, in which he said that "it would be good economy to sell all the public vessels, except the following frigates: The United States, President, Constitution, Chesapeake, Philadelphia, New York, Constellation, Congress, Essex, Boston, John Adams, Adams, and General Greene. The rest were either built of materials which do not promise long duration, or are too small to form a part of the national defense. In future wars . . . the enterprising spirit of our citizens will quickly furnish, for private emolument, nearly all the small vessels necessary to be employed; and will thus add to the national means of annoyance, without adding to the national expense. In this view, it may be sufficient for the United States to attend principally to a provision for ships of the line and frigates."[1] He

[1] *Nav. Aff.* vol. i, p. 74.

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further recommended that only six of the frigates should be kept in active service, and with only two thirds of their crews employed; the other seven ships to be laid up in ordinary, but ready to be put into commission at short notice. He advised the accumulation of ship timber, to be stored in docks for future use, and expressed the opinion that ships should not be built until a sufficient quantity of well-seasoned timber was on hand. With regard to the disposal of the vessels below the frigate class, it seems probable that half a dozen or more of the best of the smaller vessels might advantageously have been retained, at least a few years. Trouble with the Barbary pirates was just approaching an acute stage at this time, and such vessels would have been very useful for the Mediterranean service.

Stoddert's views on naval policy are further indicated in the extracts from his report that follow: "When the United States own twelve ships of seventy-four guns and double the number of strong frigates, and it is known that they possess the means of increasing with facility their naval strength, confidence may be indulged that we may then avoid those wars in which we have no interest, and without submitting to be plundered." "All great maritime nations retain in peace the commissioned officers necessary to be employed in war, by allowing them a portion of their monthly pay on the condition of their holding themselves in readi-

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ness at all times to be called into active service. The same provision is not so generally extended to the midshipmen; but the discrimination is nowhere just, and in the United States in the present instance it would be extremely impolitic, for the midshipmen are among the most promising young men of our country, possess all the materials to make officers equal to any in the world, and well merit the fostering care of their Government. But it would be injurious to themselves and to their country to pay them for remaining in idleness at home. No midshipman ought to receive half pay without exhibiting satisfactory proof that at least four months of the year for which he demanded it had been employed by him in acquiring a better knowledge of his profession, if not in foreign service, at least in the merchant ships of his own country." "Timber may be preserved for ages in docks and at little expense, and the knowledge that we possess it in that state will inspire nearly as much respect for our flag as if the ships were built and on the ocean." "In a pecuniary point of view there can be no comparison between the expense of creating a sufficient navy and the loss a commerce so great as ours will too certainly sustain for the want of such protection. But the loss of property is but a paltry consideration compared with all the humiliating and destructive consequences which must flow from that debasement of mind which a system of eternal submission to injury and

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injustice cannot fail to produce." [1] It would have been well if the secretary's words had carried the weight they deserved, but they fell on deaf ears. To the great disadvantage of the country nothing was done towards the building of ships of the line or frigates, beyond the accumulation of ship timber and other material, until after war with Great Britain had demonstrated the folly of being unprepared.

On March 3, 1801, Congress passed and President Adams approved an act providing for a naval peace establishment. It authorized the President to sell all the vessels of the navy except the thirteen frigates recommended by the Secretary of the Navy to be retained. It directed that seven of these frigates should be laid up and that the six in commission should be manned by two thirds of their full complement. It authorized the President to discharge from the service all the officers except nine captains, thirty-six lieutenants, and a hundred and fifty midshipmen. There were in the navy at the time twenty-eight captains, seven masters commandant, one hundred and ten lieutenants, and three hundred and fifty-four midshipmen. The act therefore contemplated abolishing the grade of master commandant altogether, as well as reducing the numbers in the other grades specified by about three fifths. Fortunately the law was not mandatory, as otherwise it would also have abolished all the sur-

[1] *Nav. Aff.* vol. i, p, 75.

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geons, pursers, and many others indispensable to the service.[1]

A study of the list in the light of subsequent history suggests that President Jefferson, upon whom devolved the difficult and delicate task of selecting the officers to be retained, might perhaps have made a better choice in some cases, but on the whole he probably exercised as good judgment as was possible with the data at his command. Commodore Charles Morris, who was a midshipman in 1801, writing on this subject about 1840, says: "So great a reduction undoubtedly deprived the service of some valuable officers, but relieved it of many who were never worthy of belonging to it. Political preferences probably had some influence in the selection of the captains, but the selection generally was admitted to be quite as judiciously made as could have been expected. The necessity which existed at the commencement of the Navy of drawing the commanders and lieutenants entirely from the merchant service, introduced many who had few or none of the higher qualifications proper for their new situations. For the commanding officers, some of those who had been employed in the Naval service during the War of the Revolution were still available and were secured, and these were generally of higher character than the other commanders or the lieutenants. Of these latter a very large pro-

[1] *Statutes at Large*, vol. ii, p. 110; *Nav. Chron.* pp. 180–182, 331, 375–388.

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portion were not only men of no refinement, but vulgarly profane and grossly intemperate. Very many of the midshipmen had attained an age at which their habits of thought and action had become too firmly established to be easily changed, and gave little promise of any future usefulness." [1]

The reduction of the navy at this time has often been attributed to the excessive zeal of the Republicans for economy and their unfriendliness towards this branch of the public service. But it should be remembered that it was a Federalist measure. President Jefferson merely carried out the behest of the preceding administration, and he did so in a manner that cannot be called hostile to the navy. Instead of discharging all but nine of the captains, he retained twelve; and one of those discharged, Captain Tingey, was restored to the service three years later. Nine midshipmen likewise, in addition to the number allowed by the reduction act, were kept on the list.[2]

The thirteen frigates named in the act were retained, and the President also determined to keep in the service the schooner Enterprise, whose gallant career appealed to the sentiment and affection of the people. All the vessels not retained were sold in 1801, except five of the revenue cutters, which were returned to the Treasury Department, and the George Washington, which was

[1] *Morris*, pp. 16, 17.

[2] *Nav. Chron.* pp. 389–392; see *Phillips*, pp. 96–104.

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employed in the Mediterranean for a while and was finally disposed of in 1803.[1]

A squadron consisting of the President, Philadelphia, Essex, and Enterprise was soon sent to the Mediterranean, under the command of Commodore Dale. Tripoli had just declared war against the United States, and in chastising this piratical state there were employed within the next five years all the vessels retained in the service except the United States and the General Greene.

Meanwhile the vessels not needed for service in the spring of 1801 were laid up in different ports. The United States, Congress, and New York were ordered to Washington. The Congress sailed from Boston and "was delayed by head winds, so that we did not reach Washington till late in May. We passed the frigate United States in the lower part of the Potomac. About 10 o'clock in the morning of a beautifully serene day we passed Mount Vernon. Every one was on deck to look upon the dwelling where Washington had made his home. Mrs. Washington and others of the family could be distinguished in the portico which fronts the river. When opposite to the house, by order of Captain Sever, the sails were lowered, the colors displayed half-masted, and a mourning salute of thirteen guns was fired as a mark of respect to the memory of Washington, whose life had so recently been closed and whose tomb was in our view. The

[1] *Emmons*, pp. 6–8.

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general silence on board the ship and around us, except when broken by the cannon's sound, the echo and reëcho of that sound from the near and distant hills, as it died away in the distance, the whole ship's company uncovered and motionless, and the associations connected with the ceremony, seemed to make a deep impression upon all, as they certainly did upon me. When the salute was finished, the sails were again set, the colors hoisted, and we proceeded up the river." [1]

[1] *Morris*, pp. 15, 16.

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CHAPTER XI

SPOLIATIONS AFTER 1801

AFTER the short respite afforded by the peace of Amiens in 1802, the European war again broke out with a fury which increased in proportion to the growing power of Napoleon; and in spite of treaties the belligerents renewed their aggressive measures towards neutrals. Through a series of English orders in council and French decrees, American commerce again suffered spoliation.

In 1802 Toussaint L'Ouverture was overthrown by an expedition sent out to Haiti by Napoleon, and was taken a prisoner to France; but the blacks again revolted under Dessalines. The following year the French were driven out and withdrew to the eastern part of the island, where they occupied the city of San Domingo and one or two other ports. The supremacy of the blacks was complete and permanent.[1] The island soon attracted neutral trade, which was resented by the French, who did not acknowledge the independence of the Haitians. American armed merchantmen were employed in this traffic, whereupon President Jefferson declared that their action in forcing commerce into ports where it was forbidden "cannot be permitted in

[1] *Narr. and Crit. Hist.* vol. viii, pp. 285–287.

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a well-ordered society." Several of them were captured by French cruisers, and in 1805 General Ferrand, the French commander at San Domingo, issued decrees declaring the Haitians to be pirates, and that all persons taken on board any vessel whatever trading with them should suffer death.[1]

Besides the difficulties and dangers of traffic with the Haitian insurgents, American commerce in the West Indies suffered severely at the hands of privateers during the early years of the nineteenth century. At this time the Spanish islands were available to French vessels as bases of operations, the two nations being allies. The privateers of both France and Spain, cruising so far from their home governments, were under very little restraint, and there was a tendency to excesses not authorized by their commissions. They extended their ravages as far as the southern Atlantic coast of the United States, which led the President, in 1805, to fit out a naval force for protection. The numberless secluded harbors in the West Indies encouraged this sort of warfare, and in many cases privateering degenerated into piracy. The West India pirates whose exploits became famous and whose nests were finally broken up some years later, chiefly by the American navy, doubtless counted among their number some of these old French and Spanish privateers.[2]

[1] *St. Pap.* vol. v, pp. 26, 34–42, 153–159, 321–330, vol. vii, p. 168. For the case of a suspected filibuster, see *Claims*, pp. 450, 475, 601.

[2] *St. Pap.* vol. v, pp. 56, 71–94, 203–210, 243–250, 282–286,

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Privateers and freebooters, sailing under the flags of France, Spain, and England, infested the mouth of the Mississippi and the neighboring waters. The difficulties connected with establishing a government and maintaining order in the recently acquired Louisiana territory were complicated by the lawlessness and excesses of these buccaneers when on shore and their depredations on commerce and general piratical behavior when afloat. They seized and plundered not only their enemies' vessels, but American shipping as well. A naval station with a force of about twenty gunboats and four hundred men was established at New Orleans, and in 1808 Master-commandant David Porter was put in command. Porter soon undertook the suppression of the system of virtual piracy which he found on his arrival. Descending the river with a force of gunboats, he captured three of the most troublesome French privateers. His proceedings were legal under acts of Congress which authorized the employment of national forces in such cases and the confiscation of foreign vessels interfering with commerce within the waters of the United States. Under great difficulties Porter succeeded in procuring the condemnation of his prizes. These firm measures brought about a cessation of the obnoxious conditions which had prevailed in Louisiana waters.[1]

293–296; *For. Rel.* vol. ii, pp. 670, 770–772; *Jefferson*, vol. i, p. 307; *Mahan*, vol. ii, pp. 211–214.

[1] *Porter*, pp. 74–81; *Nav. Chron.* p. 335.

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The most famous French decrees under the empire were those issued by Napoleon at Berlin, November 21, 1806, and at Milan, December 17, 1807. These decrees, under which many neutral vessels were seized, were justified by the emperor on the ground of the alleged iniquity of British maritime law, and were "resorted to only in just retaliation of the barbarous system adopted by England, which assimilates its legislation to that of Algiers." The Berlin decree prohibited all commerce with the British Isles, which were declared to be in a state of blockade. By the Milan decree any vessel submitting to search by an English ship was declared denationalized, to have forfeited the protection of its government, and to be good prize if falling into the hands of the French; and the British Isles were again declared to be blockaded. These decrees were answered on the part of England by additional orders in council, and thus the two powers fought each other with paper blockades and other restrictions on commerce of which the neutral was the victim.[1]

Smarting under the injuries inflicted by these measures, the United States took part in the game of retaliation by the passage of the embargo act, December 22, 1807, and several supplementary acts, which prohibited all foreign commerce.[2] These acts were bitterly attacked by the Federalists under

[1] *St. Pap.* vol. v, pp. 475–479, vol. vi, pp. 58, 62, 73–75, 456–471, vol. vii, pp. 7–24, 163. See Appendix III.

[2] *Statutes at Large*, vol. ii, pp. 451, 453, 473, 499, 506.

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the lead of Josiah Quincy and, as they seriously injured the shipping interests of the country, they were superseded, March 1, 1809, by the non-intercourse act, by which commercial relations with France and England alone were interdicted.[1] It was thought that these measures would not only keep American shipping out of harm's way, but would cause sufficient embarrassment to the belligerents by cutting off their supplies and crippling their trade to induce them to revoke their obnoxious regulations. In reply to these acts of the United States, Napoleon announced, in 1808 and 1810, the Bayonne and Rambouillet decrees. Under the former American vessels were seized because they could not lawfully sail the seas, being forbidden by the embargo acts of their own country; the latter ordered the condemnation of all American vessels entering French ports after May 20, 1809. These decrees so enlarged the scope of the French system that practically all American property at sea or in the ports of continental Europe was exposed to capture and loss. The injury inflicted was all the worse because seizures made before July 31, 1809, were express violations of the convention of 1800, which expired on that date; and moreover many prizes were condemned by so-called imperial decisions, contrary to the law of nations which guarantees a fair trial of every prize.[2]

[1] *Statutes at Large*, vol. ii, pp. 528, 547, 550.

[2] *St. Pap.* vol. vi, pp. 57, 478–485, 491–499, vol. vii, pp. 5, 25,

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France and England each declared itself ready to revoke its edicts if the other would do the same, but neither would take the first step. May 1, 1810, the non-intercourse act was suspended, some of its restrictions being retained in a new act which provided that if either Great Britain or France should revoke its edicts before the following March these restrictions should cease to operate against that power; furthermore, if the other belligerent did not also revoke its edicts within three months, non-intercourse as provided in the act of March 1, 1809, should be revived as to that nation.[1] Then followed the announcement by Napoleon of the revocation of his decrees. On the very same day, August 5, 1810, he issued the Trianon decree, which condemned all American "vessels and cargoes seized in France or in the dominions of her allies subsequent to May, 1809." This decree was secret and was not known in America until it accidentally came into the hands of Albert Gallatin several years later. Although this, as well as subsequent announcements of revocation by Napoleon, proved disingenuous and deceptive, the non-intercourse act never again became operative against France. There was, however, a decided sentiment of hostility towards that nation, and in June, 1812, when war was declared against England, "propositions were made

75–86, 164, 300, 351–353, 362–367, 399–404, 456–468, vol. viii, p. 330; *Mahan*, vol. ii, pp. 272–292, 351–357.

[1] *Statutes at Large*, vol. ii, pp. 605, 651.

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in both houses of Congress to comprise France in the same declaration, and in the Senate the vote was fifteen for, to seventeen against it; in the other House the majority against it was proportionably greater."[1] It is likely that this vote would have been reversed had it not been for an intimation that France was disposed to pay indemnities.[2]

The total number of seizures of American vessels by the French after 1801, under the imperial decrees, was reported to be five hundred and fifty-eight. During the same time the English took nine hundred and seventeen American vessels.[3]

Besides the French and English spoliations, American commerce suffered severely during these years at the hands of other powers, generally allies of France and acting under the direction or influence of Napoleon. These powers were Spain, Denmark, Naples, and Holland. The depredations imputed to Spain included vessels seized by the Spanish alone, by Spanish and French acting together, and by the French in Spanish waters and sent into French ports or into Spanish ports, to be condemned by French consuls. There were many cases of earlier date than the period under consideration. October 1, 1799, Consul Young at Madrid reported two hundred and ten seizures of American

[1] *St. Pap.* vol. ix, p. 254.

[2] *Ibid.* vol. vii, pp. 368, 405, 441–447, 468–478, vol. viii, pp. 11–44, 135–150, 160, 186–205, 324–328, 400–429, vol. ix, pp. 81–85, 214–217, 233–265; *Gallatin's Writings*, vol. ii, pp. 197–199, 279.

[3] *St. Pap.* vol. vii, pp. 331–342; vol. ix, pp. 36–40.

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vessels or cargoes within three years. In 1800 the king of Spain declared the blockade of Gibraltar. Spoliations continued, and in 1805 the Spaniards became especially aggressive. The French decrees of Berlin and Milan were followed by Spanish decrees of the same import, and under these many American vessels were seized.[1] During 1809 and 1810 one hundred and sixty American vessels were captured by Danish cruisers, or by Norwegian privateers commissioned by the king of Denmark, and taken into the ports of Denmark and Norway; and in 1810 several vessels captured by French privateers were tried and condemned in Danish ports.[2] At Naples in 1809 forty-seven American vessels with their cargoes were seized and converted to public use.[3] About the same time several American vessels in Dutch ports were sequestered and their cargoes delivered by King Louis to his brother, the Emperor Napoleon.[4]

The downfall of the French Empire and the restoration of general peace in Europe at last put an end to depredations upon American commerce.

[1] *St. Pap.* vol. iii, p. 170, vol. iv, pp. 426–448, vol. v, pp. 62–70, 208, 487, vol. vi, p. 76, vol. vii, pp. 89, 169, vol. ix, pp. 196, 197; *For. Rel.* vol. ii, pp. 669–678; *Doc.* 102, pp. 793–795.

[2] *St. Pap.* vol. vii, pp. 314–330, 342–348, 369, vol. viii, pp. 205–233, 304–323, vol. ix, pp. 90–119.

[3] *Ibid.* vol. ix, p. 39, vol. xi, p. 492.

[4] *For. Rel.* vol. v, pp. 600, 601.

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CHAPTER XII

THE SPOLIATION CLAIMS

THE depredations committed upon American commerce during the wars of the French Revolution and Empire gave rise to claims for indemnity against several European powers. The satisfaction of these demands involved long delay and many difficulties.

Early claims against England were paid under a provision of Jay's treaty, and the final account with her was settled by the War of 1812. The claims against Spain were ultimately adjusted by the treaty of 1819, in connection with the purchase of Florida. A treaty with Denmark in 1830 provided for the payment of indemnity by that nation; the claims against Denmark were partially offset by counter-claims of that power against the United States.[1] Demands upon Naples and Holland were persistently urged for many years, and in each case payment was refused. Finally the appearance of a strong United States squadron in the Bay of Naples in 1832 induced the king to make compensation.[2] The claims against Holland "were dropped and most of them were subsequently, in conformity

[1] *Tr. and Conv.* p. 1286; *St. Pap.* vol. iv, p. 490, vol. v, pp. 42–48, vol. ix, p. 106; *Boston Monthly Magazine*, January, 1826.

[2] *St. Pap.* vol. xi, pp. 487–519; *Richardson*, vol. iii, p. 149; *No. Amer. Rev.* October, 1825; Griffis's *Life of M. C. Perry*, ch. xi.

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with the suggestions of the Dutch government, presented for payment by France under the treaty of 1832, and were allowed and paid." [1]

The demands upon France fall into two classes, according as the spoliations took place before or after the ratification of the convention of September 30, 1800. Depredations committed under the decrees of the French Republic were disposed of, as far as international negotiations were concerned, by the conventions of 1800 and 1803. Seizures under the imperial decrees of Napoleon later became the subject of negotiation. The claims founded on this latter class will be considered first.

Demands of indemnity for spoliations under the empire were urged upon Napoleon at an early period. In the fall of 1812 Joel Barlow, the American minister to France, made a fruitless journey to Wilna in West Russia in order to confer with the French minister of foreign relations, having been encouraged to believe that satisfactory terms could be made at that time; but Napoleon's disastrous Russian campaign had just come to an end, and he was in full retreat from Moscow. Obviously nothing could be done then, and Barlow died on the return journey to Paris.[2] Albert Gallatin went to France

[1] *For. Rel.* vol. v, pp. 598–629; *Tr. and Conv.* p. 1311; *Wharton*, vol. ii, pp. 50–54; *House Ex. Doc.* 117, 24th Congress, 1st Session, p. 87; *No. Amer. Rev.* October, 1825. For the terms of the French treaty of 1832 (concluded July 4, 1831), see next page.

[2] *St. Pap.* vol. viii, pp. 323–361, vol. ix, pp. 213–219; Todd's *Life of Barlow*, ch. ix.

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in 1816 and began a long and tedious negotiation, which lasted with intermissions nearly fifteen years, being brought to a conclusion in 1831 by William C. Rives. The Bourbon government of the Restoration was hostile to the American claims, and its ministers evaded, delayed, and postponed; but with the accession of Louis Philippe in 1830 the attitude of the French became more conciliatory. Compromise was necessary, but finally, July 4, 1831, a treaty was concluded, and ratified the next year, by which France agreed to pay twenty-five million francs, which was only about one fifth the amount of loss from the depredations. The United States agreed to pay France one and a half million francs to satisfy certain claims of the French. Even after this the conduct of the French government was marked by indifference and neglect, and the Chamber of Deputies for several years refused to appropriate money to put the treaty into effect. Amity between the two nations became strained to the point of breaking off diplomatic relations. At last, in 1836, Great Britain having offered mediation, the matter was arranged and the French government took steps to discharge the obligation. The commission appointed under an act of Congress to execute this treaty allowed claims against Holland and also some against Spain and Naples.[1]

[1] *Tr. and Conv.* pp. 1309–1312; *Richardson*, vol. ii, pp. 265–276, vol. iii, pp. 100–107, 129–132, 135–145, 152–160, 178–185, 188–214, 215–222, 227; *Rep. Sen. Com.* vol. vi, pp. 47–71; *Ho. Ex. Doc.* 117, 24th Congress, 1st Session, pp. 86, 87; *Wharton*, vol. ii, p. 54;

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The depredations committed by the French before 1801 gave rise to claims which may be further divided into two classes. First are those which were the subject of the second article of the convention of 1800, and which were surrendered by the United States when the convention was ratified with the condition imposed by Bonaparte, that "the two states renounce the respective pretensions which were the object of said article." The second class of claims comprises those which were the subject of the fourth and fifth articles[1] of the convention of 1800, and were settled by the convention of 1803, when the United States assumed them to the extent of twenty million livres as part of the price paid for Louisiana. They were chiefly founded on debts due for supplies furnished, for losses on account of the embargo of 1793 at Bordeaux, and for property captured but not condemned. There was great delay in carrying out the provisions of the convention of 1803, which called forth an acrimonious correspondence between the United States minister, Robert R. Livingston, and the American commissioners appointed to adjust the claims and distribute the indemnity. A so-called conjectural note appended to the treaty gave a list of losses which was intended to aid the adjustment

No. Amer. Rev. October, 1826; *American Quarterly Review*, June, 1835; Parton's *Life of Jackson*, vol. iii, ch. xl. For lists of claims against France, Naples, Holland, and Denmark, see *For. Rel.* vol. vi, pp. 384–553.

[1] See Appendix II.

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of claims, but it was merely an inaccurate memorandum, and, being the subject of much discussion and difference of opinion, it proved more of a hindrance than a help.[1]

There now remains to be considered only the single class of claims, the subject of the second article of the convention of 1800, which have given rise to a vast amount of discussion, in and out of Congress, from the time of the French Revolution to the present day. These are what people commonly mean when they speak of the French spoliation claims or the old French claims.[2]

For the sake of getting rid of the obligations imposed by the treaties of 1778 and 1788, which had caused embarrassment in the past and were likely to in the future, the United States willingly relieved France of all obligation to the claimants; but the American merchants and mariners who had been despoiled derived no benefit from this arrangement. They were debarred from the opportunity of prosecuting their claims against France, and their only hope of relief lay in the sense of justice of their own government, which had bartered the claims for a substantial equivalent.

The claimants made their first application to Congress for relief in 1802, shortly after the convention was ratified. The committee to which the

[1] *Doc.* 102, pp. 779–832, *Tr. and Conv.* pp. 1307, 1308.

[2] For a review of the subject, see *Wharton*, vol. ii, pp. 714–728.

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matter was referred made a report reciting the history of the spoliations, but no action was taken. In 1807 another committee made a report very favorable to the claimants, also without result. In 1818 a Senate committee, and in 1822 and 1824 House committees, made the only unfavorable reports, except a very few minority reports, that have ever been submitted. Both houses then called for all the papers relating to the case, and this resulted in the publication, in 1826, of much material never before printed.[1] The effect of the greatly increased understanding of all the circumstances, due to this exposition of the case, was shown in a rapid succession of committee reports during the next few years. By 1885 the total number of reports in both houses of Congress had reached forty-eight, all favorable except the three early ones already mentioned. In 1835 a bill appropriating five million dollars passed the Senate, but failed in the House for lack of time; subsequently four other bills passed the Senate. In 1846 a bill providing the same amount passed both houses, only to be vetoed by President Polk. In 1855 a similar bill was vetoed by President Pierce. In 1885 an act was passed referring the matter to the Court of Claims for its opinion. The court then began an examination of the claims, many of which were thrown out by reason of insufficient or defective evidence. Those which could be proved were

[1] *Doc.* 102.

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favorably reported upon.[1] It was then necessary for Congress to appropriate money, if it saw fit, to pay the claims, and bills for this purpose have been passed from time to time, although they have sometimes met with strong opposition. In 1896 a bill appropriating a million dollars was vetoed by President Cleveland. The end has not yet (1908) been reached, and some of the old claims are still pending.[2]

This has never been, strictly speaking, a party question, although most of the opposition to recognizing the claims has been on the part of Democrats. Some of the most notable names among the advocates of the claimants are Marshall, Madison, John Quincy Adams, Webster, Clay, Edward Everett, Rufus Choate, and Charles Sumner. On the other side, besides the three presidents who declared their opinions in vetoes, are to be found Calhoun, Benton, John A. Dix, and John Sherman.

Those who have urged the justice of paying these claims have done so on the ground that the old treaties imposed obligations on the United States which the government was anxious to get rid of; that it used the claims, which were the

[1] The opinions of the court were delivered by Judge John Davis; see *Ct. Claims Rep.* vol. xxi, pp. 343–407, 435–443, vol. xxii, pp. 28–57, 411–464.

[2] *No. Amer. Rev.* January, 1826, July, 1827; *Amer. Quart. Rev.* September, 1831; *Richardson*, vol. iv, p. 466, vol. v, p. 307, vol. ix, p. 683; *Rep. Sen. Com.* vol. i, pp. 274–378; *Tr. and Conv.* pp. 1308, 1309.

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property of its citizens, to purchase the renunciation by France of these treaties; and that these citizens are entitled to reimbursement under the Constitution of the United States, which provides that no "private property be taken for public use without just compensation."

The arguments against the claims are based chiefly on the supposition that they were of no value, and that therefore the government was under no obligation to the claimants. It is said that they were worthless, because France would never have paid them; but, it is replied, France paid other old claims, and there is no reason to doubt that she would have settled these. The French admitted their liability for injuries inflicted by their privateers upon American commerce. In 1794 they declared their disposition to "make good the losses which circumstances inseparable from a great revolution may have caused some American navigators," and during the negotiations of 1800 they never denied their liability. These facts, in the opinion of Judge Davis, dispose of the contention of the defendants in the Court of Claims that "it was the right of France to retaliate upon the United States" for failure to carry out the guarantee and other provisions of the old treaties.[1] Madison when Secretary of State wrote to Charles Pinckney, February 6, 1804: "The claims, again, from which France was

[1] *Doc.* 102, pp. 77, 263; *Ct. Claims Rep.* vol. xxii, pp. 455, 456; for case of defendants, see *Ibid.* 11–18, 20–27.

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released, were admitted by France, and the release was for a valuable consideration in a correspondent release of the United States from certain claims on them."[1]

It is said that the claims were worthless because no equivalent was received for them, the treaties having already been abrogated by Congress in 1798. Yet although abrogated, the American ministers were forced to recognize the treaties as subjects of negotiation in 1800; and many have accepted the French opinion that Congress had no right to abrogate them, as this could be done only with the consent of both nations, except in case of war.[2] This leads to an argument much relied upon, which was that the hostilities between the United States and France constituted a true war which wiped out both the claims and the treaties. But neither party declared war, and the weight of authority seems to favor the view that technically there was no war, or at least only partial or imperfect war. Moreover, it may be said, it is not necessary to prove that there was no war. It made no difference whether there was or not, except perhaps as to claims on account of captures made during the war.[3] Regardless of the hostilities, the claims and the treaties were subjects

[1] *Doc.* 102, p. 795.

[2] In the opinion of the court of claims the treaties were actually abrogated in 1798; *Ct. Claims Rep.* vol. xxii, pp. 416–418, 425.

[3] As to whether or not war existed, see *Wharton*, vol. ii, pp. 718–721, vol. iii, pp. 234–238; *Ct. Claims Rep.* vol. xxi, pp. 367–375, vol. xxii, pp. 11–17, 32–35, 427–429.

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of negotiation, and when Bonaparte, after the cessation of hostilities, proposed his amendment to the conditional ratification of the United States Senate and that amendment was accepted, it proved that both parties regarded the claims, and the treaties too, as live issues which had not been settled by war.

What seems to be the strongest argument against the claimants is furnished by the Louisiana treaty of April 30, 1803, and the convention of the same date relating to claims. The preamble to the treaty expresses the desire "to remove all source of misunderstanding relative to objects of discussion mentioned in the second and fifth articles of the convention of the 8th Vendémiaire, an 9 (30th September, 1800)."[1] The preamble to the convention represents the two nations as "being desirous, in compliance with the second and fifth articles of the convention of the eighth Vendémiaire,[2] ... to secure the payment of the sums due by France to the citizens of the United States." Livingston, who with Monroe negotiated for the United States in 1803 and signed the treaties, in a letter to Talleyrand, February 24, 1804, says: "The preamble of the Convention expressly asserts that its object was to secure the payment of the sums due to the citizens of the United States, in compliance with the 2d and

[1] "... prevenir tout sujet de mésintelligence rélativement aux objets de discussion mentionnés dans les articles 2 et 5 de la convention," etc.

[2] "... voulant en exécution des articles 2 et 5 de la convention," etc.

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5th articles of the Convention of 8th Vendémiaire, an 9"; and he appears to indicate in this and other letters his opinion that the claims supposed to have been surrendered by the United States in 1800 were to be settled under the provisions of the later convention.[1] This apparent revival and settlement of claims once renounced is the strongest point made by President Pierce in his veto message.[2]

In regard to this matter, however, it may be said that the fifth article of the convention of 1803 includes among debts to be settled those specified in the fourth and fifth articles of the convention of 1800, while it expressly excludes "prizes whose condemnation has been or shall be confirmed." It was just this class of cases that formed the subject of the second article of the earlier convention. Livingston himself, writing to Talleyrand, March 25, 1802, regarding the second article, speaks of "proof that the indemnities there spoken of were intended to be confined to indemnities for captures and condemnations only where the cases had been finally decided upon."[3] The second and fifth articles were mentioned in the preambles of the treaty and convention of 1803 doubtless because there had been discussion as to the precise sort of indemnities to which each article applied, and it was necessary to define the shades of difference more accu-

[1] *Doc.* 102, pp. 789, 796, 829, 831.

[2] *Richardson*, vol. v, pp. 315, 319–322; *Wharton*, vol. ii, pp. 716–718.

[3] *Doc.* 102, pp. 712, 717.

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rately. An attempt to do this was made in the fourth and fifth articles of the convention of 1803, but apparently with indifferent success. On this point Judge Davis says: "The association of the second and fifth articles of the treaty in the preamble of the treaty of 1803 has been deemed significant as showing an intention to revive and settle the second article claims, . . . whereas the allusion was intended to reaffirm the exclusion of these claims. . . . What more natural, then, that, in rehearsing the objects of the treaty of 1803, the two articles should be brought together in the preamble, the fifth article as embracing the debts due and the second article as covering the express exception made in the fifth article, which, includes 'debts contracted,' and excludes 'indemnities claimed on account of captures and confiscations'? The language of the preamble is, therefore, in compliance with the second as well as with the fifth articles of the treaty of 1800." [1] It is not quite easy to determine Livingston's purpose in expressing himself as he did in his letter to Talleyrand concerning the preamble of the convention, unless it was to set forth the opinion more clearly expressed by Judge Davis. However, very little notice seems to have been taken of this point, and it is evident that nearly all persons, on whichever side of the question, have taken it for granted that from an international point of view the claims had been renounced in 1801, and

[1] *Ct. Claims Rep.* vol. xxi, pp. 397, 398.

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the arguments against the claimants have generally been based on other grounds.

Assuming it to be granted that these claims were valid against France, before they were surrendered, the question arises as to how far, legally as well as morally, the United States must be held under obligation to reimburse the individual claimants. On this point we may quote the opinion of the Court of Claims, handed down by Judge Davis, December 6, 1886: "So far as we have yet seen, not one of the spoliation claims could have the slightest pretense of a successful result were the investigation to be measured by the standard set for us in other causes. . . . While the claims of individuals now before us are not, from a judicial point of view, legal rights, — that is, they do not constitute causes of action, — they may be none the less rights; that is, they may be founded on law but not enforceable in a court of law." And the court concludes "that these claims (as a class) were valid obligations from France to the United States, that the latter surrendered them to France for a valuable consideration benefiting the nation, and that this use of the claims raised an obligation founded upon right, and upon the Constitution (which forbids the taking of private property for public use without compensation), to compensate the individual sufferers for the losses sustained by them."[1]

[1] *Ct. Claims Rep.* vol. xxii, pp. 29, 30, 31.

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The French Revolution and the wars following it materially affected the course of American history, producing complications which threatened our well-being. Nevertheless, the national character was strengthened and developed by difficulties which called forth statesmanship and stimulated patriotism. This was partial compensation for the humiliation which the weak young republic had to endure at the hands of European powers.

The establishment of a naval force was so essential to the welfare of the country, and at the same time met with so much opposition, that it is not to be regretted that circumstances so shaped themselves at this early period as to make it necessary to provide such a force. Some of the officers who later became famous then got their first training, and helped win consideration for the country abroad, while at home national self-respect was preserved and increased. Notable contributions were made to our history by the achievements of the Navy.

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APPENDIX

I

SOURCES OF INFORMATION

THIS list includes most of the authorities consulted. The abbreviations used in the footnotes are here indicated. Other works, cited only once or twice, are also referred to in footnotes.

State Papers and Publick Documents of the United States. [Edited by T. B. Wait.] Third Edition. Boston, 1819. [St. Pap.]

A large amount of space in the first nine volumes is devoted to relations with France under the Republic and Empire. Vol. x comprises confidential documents.

American State Papers. Edited by Lowrie and Clarke. Class I. Foreign Relations. Class VI. Naval Affairs. Class IX. Claims. Washington, 1832. [For. Rel., Nav. Aff., Claims.]

Class I contains everything in Wait's series, with additional material.

Compilation of Reports of Committee on Foreign Relations, U. S. Senate, 1789–1901. Washington, 1901. [Rep. Sen. Com.]

Treaties and Conventions concluded between the United States and Other Powers. Washington, 1889. [Tr. and Conv.]

Contains notes of J. C. B. Davis on the various negotiations, which are also treated in Lyman's Diplomacy of the United States (Boston, 1828), Trescot's

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Diplomatic History, 1789–1801 (Boston, 1857), and Moore's American Diplomacy (New York, 1905).

Public Statues at Large. Edited by Richard Peters. Boston, 1845. [Statutes at Large.]

A Compilation of the Messages and Papers of the Presidents, 1789–1897. By James D. Richardson. Published by Authority of Congress, 1900. [Richardson.]

XIX Congress, I Session [102]. Message from the President, etc. In compliance with a resolution of the Senate, May 20, 1826. Washington, 1826. [Doc. 102.]

Contains a large amount of material, including documents, reports, letters, etc., on the French spoliations before 1801.

A Digest of the International Law of the United States. Edited by Francis Wharton. Washington, 1886. [Wharton.]

Cases Decided in the Court of Claims. Vols. xxi and xxii. Washington, 1886, 1887. [Ct. Claims Rep.]

Reports of Cases Argued and Adjudged in the Supreme Court of the United States. By William Cranch. New York, 1812. [Cranch.]

Annual Report of the American Historical Association, for the Year 1903. Vol. ii. Correspondence of the French Ministers to the United States, 1791–1797. Edited by F. J. Turner. Washington, 1904. [Amer. Hist. Assoc.]

Writings of George Washington. Collected and Edited by Worthington Chauncey Ford. New York, 1889. [Washington.]

The Works of John Adams. By Charles Francis Adams. Boston, 1853. [Adams.]

Writings of Thomas Jefferson. Collected and Edited by Paul Leicester Ford. New York, 1892. [Jefferson.]

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Narrative and Critical History of America. Edited by Justin Winsor. Vol. viii, chap. vi. Wars of the United States. By James R. Soley; chap. vii. Diplomacy of the United States. By James B. Angell. Boston, 1888. [Narr. and Crit. Hist.]

Contains an extensive bibliography, with critical discussion of authorities. For a bibliography of the French spoliations, see Boston Public Library Bulletin, May, 1885.

The American Nation. Edited by Albert Bushnell Hart. Vol. xi. By John S. Bassett. Vol. xii. By Edward Channing. Vol. xiii. By Kendrick C. Babcock. Vol. xv. By William McDonald. New York, 1906.

Contains many valuable chapters written from the most recent point of view and with exhaustive bibliography. Other general works are Henry Adams's History of the United States, McMaster's History of the People of the United States, and Schouler's History of the United States.

The Influence of Sea Power upon the French Revolution and Empire, 1793–1812. By Captain A. T. Mahan, U. S. N. Boston, 1894. [Mahan.]

A Contribution to the Bibliography of the History of the United States Navy. Compiled by Charles T. Harbeck. Riverside Press, 1906.

This list is indispensable to the student of naval history.

United States Naval Chronicle. By Charles W. Goldsborough. Washington, 1824. [Nav. Chron.]

The author, who was forty-four years in the Navy Department, had easy access to original material, and has presented much valuable and reliable information.

Statistical History of the Navy of the United States. By

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Lieutenant George F. Emmons, U. S. N. Washington, 1853. [Emmons.]

Gives statistics and a list of captures.

Marine Rules and Regulations. Boston, 1799. By John Adams, President of the United States. [Nav. Reg.]

These regulations were complied while the navy was under the jurisdiction of the War Department, as is shown by frequent references to the authority of the Secretary of War; they occupy 44 pages of a pamphlet which contains also the act of March 2, 1799, for the government of the navy.

History of the Navy of the United States of America. By J. Fenimore Cooper. London, 1839. [Cooper.]

History of the United States Navy. By Edgar Stanton Maclay. New York, 1894. [Maclay.]

The author has rendered an important service to the student of naval history by bringing to light, from the naval archives at Paris, the official reports of the French commanders.

The Naval Temple, Boston, 1816.

Contains some of Truxtun's official reports.

Batailles Navales de la France. Par O. Troude. Paris, 1867.

Histoire de la Marine Française sous la Première République. Par Edouard Chevalier. Paris, 1886.

Histoire de la Marine Française sous le Consulat et l'Empire. Par Edouard Chevalier. Paris, 1886.

The accounts in French naval histories of the engagements in this war are brief and inaccurate.

The Frigate Constitution. By Ira N. Hollis. Boston, 1900. [Hollis.]

First Cruise of the United States Frigate Essex, etc. By Capt. George Henry Preble, U. S. N. Salem, 1870. [Essex.]

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Lives of Distinguished American Naval Officers. By J. Fenimore Cooper. Auburn, N. Y., 1846. [Amer. Nav. Off.]

The Lives include Dale, Preble, Bainbridge, and Shaw.

Commodore John Barry. By Martin I. J. Griffin. Philadelphia, 1903. [Barry.]

Contains many official letters (not elsewhere published) from the collection of Captain John S. Barnes, of New York, and other sources.

Life of Silas Talbot. By Henry T. Tuckerman. New York, 1850. [Talbot.]

Moses Brown, Captain U. S. N. By Edgar Stanton Maclay. New York, 1904. [Brown.]

Life and Services of Commodore William Bainbridge, U. S. N. By Thomas Harris, M. D., Surgeon U. S. N. Philadelphia, 1837. [Bainbridge.]

Life of Commodore Oliver Hazard Perry. By Alexander Slidell Mackenzie, U. S. N. New York, 1843. [Perry.]

Life of Stephen Decatur. By Alexander Slidell Mackenzie, U. S. N. Boston, 1846. [Decatur.]

Memoir of Commodore David Porter. By Admiral David D. Porter. Albany, 1875. [Porter.]

Biographical Sketch and Services of Commodore Charles Stewart. Philadelphia, 1838. [Stewart.]

Autobiography of Commodore Charles Morris. Boston, 1880. [Morris.]

An Impartial Examination of the Case of Captain Isaac Phillips. Baltimore, 1825. [Phillips.]

The Yankee Tar. An Authentic Narrative of the Voyages and Hardships of John Hoxse, etc. Northampton, 1840. [Hoxse.]

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A sailor's account of the cruises and battles of the Constellation.

Periodicals: —

North American Review, October, 1825, January, October, 1826, July, 1827: Articles by Edward Everett on French (and other) spoliation claims.

American Quarterly Review, September, 1831, June, 1835: French spoliations. See also Democratic Review, February, 1844; Hunt's Merchants' Magazine, February, 1845, October, 1846; Atlantic Monthly, August, 1870, February, 1891; Magazine of American History, July, 1884; and Boston Monthly Magazine, January, 1826: Caleb Cushing on claims against Denmark.

American Historical Review, April, 1897, April, July, 1898, January, April, 1905: western schemes of France and other nations.

Proceedings of the U. S. Naval Institute, September, 1906 (No. 119): "Early Naval Administration under the Constitution," by Charles Oscar Paullin.

The Port Folio, January and March, 1809: Sketch of Commodore Truxtun, with letters not elsewhere published.

Proceedings of the Massachusetts Historical Society, June, 1883: Extracts from the log of the frigate Boston (with one or two errors of transcription).

Putnam's Monthly, May and June, 1853: Articles by J. F. Cooper on the frigate Constitution.

The United Service, July, 1883: "The Quasi-War with France," by Lieut. Nathan Sargent, U. S. N.; November, 1889, to April, 1890: "The United States Revenue Cutter Service," by 1st Lieut. Horatio D. Smith, U. S. R. C. S.

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Newspapers:—

Russell's Gazette, Commercial and Political (Boston Commercial Gazette); Columbian Centinel and Massachusetts Federalist (Boston); Massachusetts Mercury (Boston. Name changed in 1801 to The Mercury and N. E. Palladium); Independent Chronicle and Universal Advertiser (Boston); Thomas's Massachusetts Spy, or Worcester Gazette; Salem Gazette; Connecticut Courant (Hartford); Connecticut Journal (New Haven); Gazette of the United States and Philadelphia Daily Advertiser; Federal Gazette and Baltimore Daily Advertiser.

The newspapers printed many letters and reports not to be found elsewhere; also shipping news and general news items, the latter to be accepted with caution.

MANUSCRIPT SOURCES.

Massachusetts Historical Society. Pickering Papers. [Pickering.]

Timothy Pickering was Secretary of State from 1795 to 1800, and the papers contain a good deal of naval as well as political material.

The original log-book of the frigate Boston is in the Library of the Society.

Adams Papers. Correspondence of President John Adams. Charles Francis Adams, Esq., kindly caused an examination to be made of this collection, which however contains little naval material relating to the period concerned.

Wadsworth Papers, containing Truxtun's address: "To the Midshipmen of the Navy, and particularly those who serve with me." Extracts made with the permission of R. K. Longfellow, Esq.

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Navy Department. The correspondence of this period is contained in a number of miscellaneous volumes and is somewhat scanty, as the regular series of letters from captains and other officers do not begin until later. The earlier material is arranged as follows: 1. Correspondence on naval affairs under the War Department, 1790–1798, in one volume; 2. Letters from the Navy Department to the President, one volume; 3. Letters from the Navy Department to the Secretary of War, one volume; 4. Letters from the Navy Department to Congress, one volume; 5. General letters from the Navy Department, first four volumes; 6. Letter Book, 15 May, 1799, to 18 July, 1807, letters from the Navy Department, one volume; 7. Miscellaneous Letters to the Navy Department, first volume; 8. Letter Book of Captain Alexander Murray: letters to the Navy Department, one volume; 9. A few log-books.

II

TREATIES

Only the most important articles and those giving rise to controversy are given. The full text may be found in Treaties and Conventions and in volume viii of Statutes at Large. Treaties with France: —

1. Treaty of Amity and Commerce, February 6, 1778. Ratified by Congress May 4, 1778.

Art. XVII. It shall be lawful for the ships of war of either party, and privateers, freely to carry whithersoever they please the ships and goods taken from their enemies, without being obliged to pay any duty to the officers of the admiralty or any other judges; nor shall

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such prizes be arrested or seized when they come to and enter the ports of either party; nor shall the searchers or other officers of those places search the same, or make examination concerning the lawfulness of such prizes, but they may hoist sail at any time, and depart and carry their prizes to the places expressed in their commissions, which the commanders of such ships of war shall be obliged to show; on the contrary, no shelter or refuge shall be given in their ports to such as shall have made prize of the subjects, people or property of either of the parties; but if such shall come in, being forced by stress of weather, or the danger of the sea, all proper means shall be vigorously used that they go out and retire from thence as soon as possible.

Art. XXII. It shall not be lawful for any foreign privateers, not belonging to subjects of the Most Christian King nor citizens of the said United States, who have commissions from any other Prince or State in enmity with either nation, to fit their ships in the ports of either the one or the other of the aforesaid parties, to sell what they have taken, or in any other manner whatsoever to exchange their ships, merchandises or any other lading; neither shall they be allowed even to purchase victuals, except such as shall be necessary for their going to the next port of that Prince or State from which they have commissions.

Art. XXIII. . . . And it is hereby stipulated that free ships shall also give a freedom to goods, and that everything shall be deemed to be free and exempt which shall be found on board the ships belonging to the subjects of either of the confederates, although the whole lading or any part thereof should appertain to the enemies of either, contraband goods being always excepted. It is also

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agreed in like manner that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are soldiers and in actual service of the enemies.

Art. XXV. To the end that all manner of dissensions and quarrels may be avoided and prevented, on one side and the other, it is agreed that in case either of the parties hereto should be engaged in war, the ships and vessels belonging to the subjects or people of the other ally must be furnished with sea-letters or passports, expressing the name, property and bulk of the ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby that the ship really and truly belongs to the subjects of one of the parties, which passport shall be made out and granted according to the form annexed to this treaty; they shall likewise be recalled every year, that is, if the ship happens to return home within the space of a year. . . .

Art. XXVII. If the ships of the said subjects, people or inhabitants of either of the parties shall be met with, either sailing along the coasts or on the high seas, by any ship of war of the other, or by any privateers, the said ships of war or privateers, for the avoiding of any disorder, shall remain out of cannon-shot, and may send their boats aboard the merchant ship which they shall so meet with, and may enter her to number of two or three men only, to whom the master or commander of such ship or vessel shall exhibit his passport concerning the property of the ship, made out according to the form inserted in this present treaty, and the ship, when she shall have showed such passport, shall be free and at

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liberty to pursue her voyage, so as it shall not be lawful to molest or search her in any manner, or to give her chase or force her to quit her intended course.

Extract from the form of passport, annexed to the treaty: He [the commander] will keep and cause to be kept by his crew on board, the marine ordinances and regulations, and enter in the proper office [remettra] a list signed and witnessed containing the names and surnames, the places of birth and abode of the crew of his ship and of all who shall embark on board her.

2. Treaty of Alliance, February 6, 1778. Ratified by Congress May 4, 1778.

Art. XI. The two parties guarantee mutually from the present time and forever against all other powers, to wit: The United States to His Most Christian Majesty, the present possessions of the Crown of France in America as well as those which it may acquire by the future treaty of peace: And His Most Christian Majesty guarantees on his part to the United States their liberty, sovereignty and independence, absolute and unlimited as well in matters of government as commerce, and also their possessions, and the additions or conquests that their confederation may obtain during the war, from any of the dominions now, or heretofore possessed by Great Britain in North America. . . .

3. Convention defining and establishing the Functions and Privileges of Consuls and Vice-Consuls. November 14, 1788. Ratifications exchanged January 6, 1790.

Art. IX. The Consuls and Vice-Consuls may cause to be arrested the captains, officers, mariners, sailors and all other persons being part of the crews of the vessels of their respective nations, who shall have deserted from

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the said vessels, in order to send them back and transport them out of the country; for which purpose the said Consuls and Vice-Consuls shall address themselves to the courts, judges and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel or ship's roll that those men were part of the said crews. . . .

Art. XII. All differences and suits between the subjects of the Most Christian King in the United States, or between the citizens of the United States within the dominions of the Most Christian King, and particularly all disputes relative to the wages and terms of engagement of the crews of the respective vessels, and all differences, of whatever nature they be, which may arise between the privates of the said crews, or between any of them and their captains, or between the captains of different vessels of their nation, shall be determined by the respective Consuls and Vice-Consuls, either by a reference to arbitrators, or by a summary judgment, and without costs. No officer of the country, civil or military, shall interfere therein, or take any part whatever in the matter; and the appeals from the said consular sentences shall be carried before the tribunals of France or of the United States, to whom it may appertain to take cognizance thereof.

4. Convention of Peace, Commerce, and Navigation, September 30, 1800. Ratifications exchanged July 31, 1801.

Art. II. The Ministers Plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of 6th February, 1778, the treaty of amity and commerce of the same date, and the convention of 14th of November, 1788, nor upon the indemnities

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mutually due or claimed, the parties will negotiate further on these subjects at a convenient time, and until they may have agreed upon these points the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated as follows:

Art. III. The public ships which have been taken on one part and the other, or which may be taken before the exchange of ratifications shall be restored.

Art. IV. Property captured, and not yet definitively condemned, or which may be captured before the exchange of ratifications, (contraband goods destined to an enemy's port excepted,) shall be mutually restored. . . .

Art. V. The debts contracted by one of the two nations with individuals of the other, or by the individuals of of one with the individuals of the other, shall be paid, or the payment may be prosecuted, in the same manner as if there had been no misunderstanding between the two States. But this clause shall not extend to indemnities claimed on account of captures or confiscations.

5. Convention for Payment of Sums due by France to Citizens of the United States, April 30, 1803. Ratifications exchanged October 21, 1803.

Art IV. It is expressly agreed that the preceding articles shall comprehend no debts but such as are due to citizens of the United States, who have been and are yet creditors of France, for supplies, for embargoes, and prizes made at sea, in which the appeal has been properly lodged within the time mentioned in the said convention 8th Vendémiaire, ninth year (30th September, 1800).

Art. V. The preceding articles shall apply only, 1st, to captures of which the council of prizes shall have ordered restitution, it being well understood that the claim-

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ant cannot have recourse to the United States, otherwise than he might have had to the Government of the French Republic, and only in case of insufficiency of the captors; 2d, the debts mentioned in the fifth article of the convention contracted before the 8th Vendémiaire, an 9, (30th September, 1800,) the payment of which has been heretofore claimed of the actual Government of France, and for which the creditors have a right to the protection of the United States: the said fifth article does not comprehend prizes whose condemnation has been or shall be confirmed. . . .

Treaty with Great Britain:

6. Treaty of Amity, Commerce and Navigation, November 19, 1794. Ratification exchanged October 28, 1795.

Art. XXIV. It shall not be lawful for any foreign privateers (not being subjects or citizens of either of the said parties) who have commissions from any other Prince or State in enmity with either nation to arm their ships in the ports of either of the said parties, nor to sell what they have taken, nor in any other manner to exchange the same; nor shall they be allowed to purchase more provisions than shall be necessary for their going to the nearest port of that Prince or state from whom they obtained their commissions.

Art. XXV. It shall be lawful for the ships of war and privateers belonging to the said parties respectively to carry whithersoever they please the ships and goods taken from their enemies, without being obliged to pay any fee to the officers of the admiralty, or to any judges whatever; nor shall the said prizes, when they arrive at and enter the ports of the said parties, be detained or

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seized, neither shall the searchers or other officers of those places visit such prizes (except for the purpose of preventing the carrying of any part of the cargo thereof on shore in any manner contrary to the established laws of revenue, navigation, or commerce,) nor shall such officers take cognizance of the validity of such prizes; but they shall be at liberty to hoist sail and depart as speedily as may be, and carry their said prizes to the place mentioned in their commissions or patents, which the commanders of the said ships of war or privateers shall be obliged to show. No shelter or refuge shall be given in their ports to such as have made a prize upon the subjects or citizens of either of the said parties; but if forced by stress of weather, or the dangers of the sea, to enter therein, particular care shall be taken to hasten their departure, and to cause them to retire as soon as possible. Nothing in this treaty contained shall, however, be construed or operate contrary to former and existing public treaties with other sovereigns or States. But the two parties agree that while they continue in amity neither of them will in future make any treaty that shall be inconsistent with this or the preceding article. . . .

III

DECREES

The following extracts include the essential provisions of the more important decrees issued (A) by or under the authority of the National Convention and the Executive Directory of the French Republic and (B) by Napoleon. The full text may be seen in Wait's State Papers, volume vii, pp. 147–169.

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A. Decrees of the Republic.

1. May 9, 1793:

Art. I. Ships of war and privateers may seize and carry into the ports of the Republick, neutral vessels which are wholly or in part loaded with provisions, being neutral property bound to an enemy's port, or with merchandise belonging to an enemy.

Art. II. Merchandise belonging to an enemy is declared a lawful prize, seizable for the profit of the captor. Provisions being neutral property, shall be paid for at the price they would have sold for at the port where they were bound.

Art. III. In all cases neutral vessels shall be released as soon as the unlading of the provisions or the seizure of the merchandise shall be effected. The freight shall be settled at the rate paid by the charterers. A proper compensation shall be granted for the detention of the vessels by the tribunals, who are ready to adjudge the prizes.

2. July 2, 1796 (14 Messidor, an 4):

All neutral or allied powers shall without delay be notified that the flag of the French Republick will treat neutral vessels, as to confiscation, search or detention [visite ou prehension], in the same manner as they shall suffer the English to treat them.

3. March 2, 1797 (12 Ventose, an 5):

Art. V. Agreeably to the 21st article of the treaty of London of the 19th of November, 1794, every individual known to be American, who holds a commission given by the enemies of France, as also every mariner of that nation making a part of the crew of private or publick ships [navires ou vaisseaux] of the enemy, shall be from that act alone declared a pirate and treated as such, with-

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out allowing him in any case to show that he had been forced by violence, menaces or otherwise.

Art. VI. In conformity to the law of the 14th February, 1793, the regulations of the 21st October, 1744, and of the 26th July, 1778, as to the manner of proving the right of property in neutral ships and merchandise, shall be executed according to their form and tenor. In consequence every American vessel shall be a good prize which has not on board a list of the crew [rôle d'équipage] in proper form, such as is prescribed by the model annexed to the treaty of the 6th February, 1778, a compliance with which is ordered by the 25th and 27th articles of the same treaty.

4. January 18, 1798 (29 Nivose, an 6):

Art. I. The character of vessels in what concerns their quality as neutral or enemy shall be decided by their cargo; in consequence every vessel found at sea, laden in whole or in part with merchandise coming [provenants] from England or her possessions, shall be declared good prize, whoever may be the proprietor of these productions or merchandise.

B. Imperial Decrees.

5. November 21, 1806 (Berlin decree):

Art. I. The British Islands are declared in a state of blockade.

Art. II. All commerce and correspondence with the British Islands are prohibited. In consequence, letters or packets addressed either to England, to an Englishman, or in the English language, shall not pass through the post office and shall be seized.

Art. III. Every subject of England, of whatever rank and condition soever, who shall be found in the coun-

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tries occupied by our troops or by those of our allies, shall be made a prisoner of war.

Art. IV. All magazines, merchandise, or property whatsoever, belonging to a subject of England, shall be declared lawful prize.

Art. V. The trade in English merchandise is forbidden; all merchandise belonging to England or coming from its manufactories and colonies is declared lawful prize.

Art. VI. One half of the proceeds of the confiscation of the merchandise and property, declared good prize by the preceding articles, shall be applied to indemnify the merchants for the losses which they have suffered by the capture of merchant vessels by English cruisers.

Art. VII. No vessel coming directly from England or from the English colonies, or having been there since the publication of the present decree, shall be received into any port.

Art. VIII. Every vessel contravening the above clause by means of a false declaration, shall be seized and the vessel and cargo confiscated as if they were English property.

6. December 17, 1807 (Milan decree):

Art. I. Every ship, to whatever nation it may belong, that shall have submitted to be searched by an English ship or to a voyage to England or shall have paid any tax whatsoever to the English government, is thereby and for that alone declared to be denationalized, to have forfeited the protection of its king and to have become English property.

Art. II. Whether the ships thus denationalized by the arbitrary measures of the English government enter into our ports or those of our allies, or whether they fall

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into the hands of our ships of war or of our privateers, they are declared to be good and lawful prize.

Art. III. The British islands are declared to be in a state of blockade both by land and sea. Every ship, of whatever nation or whatsoever the nature of its cargo may be, that sails from the ports of England or those of the English colonies and of the countries occupied by English troops and proceeding to England or to the English colonies or to countries occupied by English troops, is good and lawful prize, as contrary to the present decree, and may be captured by our ships of war or our privateers and adjudged to the captor.

IV

VESSELS IN SERVICE, 1798-1801

This is believed to be a complete list of vessels of the regular navy down to 1801, arranged in groups according to the year in which their active service began; and also includes eight revenue cutters transferred from the Treasury Department, nine galleys built for harbor defense under the act of May 4, 1798, and three vessels temporarily impressed into the service in the West Indies. The names of the various commanding officers are also given. Vessels retained in the navy after the war are indicated by italics.

Regular Navy:

1798. *United States*, 44, Barry.
Constitution, 44, Nicholson, Talbot.
Constellation, 36, Truxtun, Murray.
Ganges, 24, Dale, Tingey, Mullowny.
Portsmouth, 24, McNeill.
George Washington, 24, Fletcher, Bainbridge.

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Merrimack, 24, Brown.
Delaware, 20, Decatur, Baker, Spotswood.
Montezuma, 20, Murray, Mullowny.
Baltimore, 20, Phillips, S. Barron, Cowper,
Herald, 18, Sever, Russell.
Norfolk, 18, Williams, Bainbridge, Calvert.
Richmond, 18, S. Barron, Speake, C. Talbot, Law.
Pinckney, 18, Heyward.
Retaliation, 14, Bainbridge.

1799. Insurgente, 36, Murray, Fletcher.
General Greene, 28, Perry.
Adams, 28, Morris, Robinson.
John Adams, 28, Cross.
Boston, 28, Little.
Connecticut, 24, Tryon, Derby.
Maryland, 20, Rodgers.
Patapsco, 20, Geddes.
Warren, 20, Newman, J. Barron.
Augusta, 14, McElroy.
Enterprise, 12, Shaw, Sterrett.
Experiment, 12, Maley, Stewart.

1800. *President*, 44, Truxtun.
Congress, 36, Sever.
Chesapeake, 36, S. Barron.
Philadelphia, 36, Decatur.
New York, 36, Morris.
Essex, 32, Preble.
Trumbull, 24, Jewett.

Revenue Cutters:
Pickering, 14, Chapman, Preble, Hillar.
Eagle, 14, Campbell, Bunbury.
Scammel, 14, Adams, Fernald, Jones.
Governor Jay, 14, Leonard.

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Virginia, 14, Bright.
Diligence, 12, J. Brown.
South Carolina, 12, Payne.
General Greene, 10, Price.

For temporary service:

Conquest of Italy, 12, Watson.
Amphitrite, 5, Porter.
Sally, Hull.

Galleys:

Charleston.
South Carolina.
Beaufort.
St. Marys.
Savannah.
Protector.
Governor Williams.
Governor Davie.
Mars.

V

COMMANDING OFFICERS, 1798–1801

This list comprises all the captains appointed in the navy before 1801; also the masters and lieutenants commandant. Some of the revenue officers in command of the cutters were not transferred to the regular navy. A few officers appointed to command the galleys are not included. Officers retained in the navy after the war are indicated by italics.

Captains:

John Barry, June 4, 1794–Sept. 13, 1803.
Samuel Nicholson, June 4, 1794–Dec. 29, 1811.
Silas Talbot, June 4, 1794–Sept. 23, 1801.

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Richard Dale, June 4, 1794–Dec. 17, 1802.
Thomas Truxtun, June 4, 1794–1802.
James Sever, July 18, 1794–June 18, 1801.
Stephen Decatur, May 11, 1798–Oct. 22, 1801.
Christopher Raymond Perry, June 7, 1798–April 3, 1801.
Richard V. Morris, June 7, 1798–May 16, 1804.
Alexander Murray, July 1, 1798–Oct. 6, 1821.
Isaac Phillips, July 3, 1798–Jan. 10, 1799.
Daniel McNeill, July 17, 1798–Oct. 27, 1802.
Thomas Williams, July 17, 1798–May 28, 1799.
Thomas Tingey, Sept. 3, 1798–1801. Nov. 22, 1804–Feb. 23, 1829.
Patrick Fletcher, Sept. 9, 1798–1800.
Jonathan Chapman, Sept. 10, 1798–Jan. 25, 1799.
George Cross, Sept. 10, 1798–1801.
Samuel Barron, Sept. 13, 1798–Oct. 29, 1810.
Moses Brown, Sept. 15, 1798–April 3, 1801.
Moses Tryon, Sept. 16, 1798–1801.
Richard Derby, Feb. 22, 1799–May 12, 1801.
George Little, March 4, 1799–Oct. 22, 1801.
John Rodgers, March 5, 1799–Aug. 1, 1838.
Edward Preble, May 15, 1799–Aug. 25, 1807.
John Mullowny, May 21, 1799–Sept. 26, 1801.
James Barron, May 22, 1799–April 21, 1851.
Thomas Baker, June 15, 1799–April 13, 1801.
Henry Geddes, Sept. 24, 1799–April 11, 1801.
Thomas Robinson, Sept. 24, 1799–Sept. 26, 1801.
William Bainbridge, May 20, 1800–July 27, 1833.
Hugh G. Campbell, Oct. 16, 1800–Nov. 11, 1820.

Masters Commandant:

Cyrus Talbot, May 21, 1799–Oct. 23, 1801.
David Jewett, June 1, 1799–June 3, 1801.

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Timothy Newman, July 1, 1799–Aug. 15, 1800.
William Cowper, July 13, 1799–April 3, 1801.
Richard Law, Dec. 16, 1799–April 2, 1801.
Charles C. Russell, Jan. 15, 1800–Oct. 23, 1801.
Benjamin Hillar, Feb. 8, 1800–1800.
John A. Spotswood, Feb. 15, 1800–June 4, 1801.

Lieutenants Commandant:

Charles Stewart, March 9, 1798.
Isaac Hull, March 9, 1798.
Archibald McElroy, March 11, 1798.
Andrew Sterrett, March 25, 1798.
Josias M. Speake, July 3, 1798.
John Shaw, Aug. 3, 1798.
M. S. Bunbury, Aug. 4, 1798.
Thomas Calvert, Sept. 4, 1798.
Samuel Heyward, Oct. 31, 1798.
Mark Fernald, June 10, 1799.
John H. Jones, June 12, 1799.
James P. Watson, June 29, 1799.
George Price, July 19, 1799.
William Maley, Aug. 1, 1799.
David Porter, Oct. 8, 1799.

Revenue Officers (not transferred to the navy):

Francis Bright.
John Brown.
John W. Leonard.
John Adams.
James Payne.

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VI

THE NAUTICAL DAY

The confusion of the civil and the nautical day,[1] resulting in the insertion of twenty-four imaginary hours, seems first to occur in the "Naval History" of Thomas Clark (1813); he was followed by Cooper and others. The error does not appear in earlier and contemporary accounts (see letter in the text, p. 166; also "Port Folio," January, 1809, p. 35). Investigation having called attention to the method of reckoning time used in the early days of the navy, a request for more precise information produced the following letter from Robert W. Willson, Professor of Astronomy in Harvard University: —

CAMBRIDGE, January 3, 1909.

DEAR DR. ALLEN, — I send you what I have been able, in a limited time, to gather in regard to the "Nautical Day."

The reliance of the English and American seaman of the last quarter of the eighteenth century was Moore's "Practical Navigator" of which the 13th edition was published at London in 1799. In this there is no trace of the usage in question.

An American edition of Moore edited by Dr. Bowditch was published in 1799. In this I find on p. 223 the following: "Although the time used in the Nautical Almanac and sea account differ one day from each other. . . . "

A second edition (1800) has the same phrase, p. 201.

Dr. Bowditch published his "Practical Navigator" as an improvement on Moore's, and in the first edition,

[1] See above, p. 166.

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Newburyport, 1802, occurs this sentence: " . . . a civil day is reckoned from midnight to midnight, and is divided into 24 hours; the first 12 hours are marked A. M., the latter 12 hours P. M., being reckoned from midnight in numerical succession from 1 to 12, then beginning again at 1 and ending at 12. Astronomers begin their computation at the noon of the civil day, and count the hours in numerical succession, from 1 to 24, so that the morning hours are reckoned from 12 to 24. Navigators begin their computation at noon, 12 hours before the commencement of the civil day (and 24 hours before the commencement of the astronomical day); marking their hours from 1 to 12 A. M. and P. M. as in the civil computation."

The same passage occurs in the subsequent editions till 1880. The copyright having become the property of the government in 1866, a complete revision was made under the direction of the Bureau of Navigation in 1881, in which the nautical day is ignored. The doctrine was taught at Comer's Commercial College in Boston certainly as late as 1858, though Coffin's text-book of about that date says " now rarely used."

Bowditch's Navigator had an immediate success and came into competition with Moore's book on both sides of the Atlantic. I have in my library a copy of " The improved Practical Navigator . . . in a complete Epitome of Navigation . . . originally written and calculated by Nathaniel Bowditch, revised, re-calculated, and newly arranged, by Thomas Kirby . . . second edition, London, 1806."

This contains on p. 193 the following: " In addition to these modes some have thought it proper to notice a third which they have termed the nautical or sea day;

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but this is, in fact, not a third mode of marking or expressing time; it is only an application of the *civil day* to nautical occurrences; but as a ship's journal, or daily account, is made up on each civil day at noon, it has been said that the nautical day ends at noon. This, however, is not so; for, though the day's occurrences on board a ship, or its journal, are made up or concluded every day at noon, yet the *dates* of these occurrences are all expressed in the civil time, as happening either at 1 A. M. or 2 P. M. &c. of the civil day."

From all this, and especially from the phrase "some have thought it proper" in the English edition of Bowditch, I conclude that the use of the nautical day was a purely American practice whose history it would be interesting to trace. Your episode furnishes a striking instance of the confusion likely to arise between the two modes of reckoning time, and perhaps helps to explain why the custom was allowed to lapse.

Very truly yours,

ROBERT W. WILLSON.

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